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# CORN PRODUCTION ACT, 1917

[7 and 8 Geo. 5, Ch. 46]

WITH  
EXPLANATORY MEMORANDUM

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THE LAND UNION  
15, LOWER GROSVENOR PLACE  
LONDON, S.W.1



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# CORN PRODUCTION ACT, 1917

[7 and 8 Geo. 5, Ch. 46]

WITH

## EXPLANATORY MEMORANDUM

BY

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Assistant and Legal Secretary to the Land Union

THE LAND UNION

15, LOWER GROSVENOR PLACE

LONDON, S.W.1

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## PREFACE

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LIBRARY SETS

This Memorandum in no way claims to be an exhaustive legal and technical explanation of the Corn Production Act, nor does it deal with questions of policy.

DEC 16 1940

The whole object of the Memorandum has been to set out in simple language the provisions of the Act as it now appears upon the Statute Book, and as such Act introduces a novel system in agriculture, and as its meaning is sometimes a little difficult to understand, it is hoped that these notes may be of some slight assistance to the farmers, landowners, estate agents, and others now called upon to carry out its provisions.

HARDING

Much of the administration of the Act will be done by Regulations not yet issued, but should the present notes assist in the interpretation of the Statute, the Author, although fully aware of the deficiency of his work, will feel that it has not been done in vain.

C. C. B.

*October, 1917.*

386831

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# CORN PRODUCTION ACT, 1917.

7 & 8 Geo. 5, Ch. 46.

## EXPLANATORY MEMORANDUM.

This Act came into operation on the 21st August, 1917, except as regards Part IV. (*i.e.*, the part which refers to powers of enforcing cultivation). The operation of this Part is postponed until 21st August, 1918, or the determination of the war, whichever may be the earlier.

Date of commencement of Act.  
S. 19, ss. 2.  
S. 11, ss. 3.

The Act will continue in force for five years from the date of its passing, that is, until the year 1922, unless Parliament makes provision for its continuation, but the expiration does not affect the right to any payments under Part I. of this Act in respect of wheat and oats of that year or any previous year, or any rights, privileges, obligations, or liabilities acquired under this Act before the date of the expiration thereof, or any penalty, forfeiture, or punishment incurred in respect of any offence committed under this Act before that date, or after that date if in respect of any statement or representation made in connection with a claim under the Act.

Period of Continuation.  
S. 19, ss. 2.

The Act itself is divided into five Parts and three Schedules, which deal with the following matters:—

Act is divided into five Parts and three Schedules.

Part I. The minimum price of wheat and oats.

Part II. Agricultural workmen (minimum wages) and Wages Boards.

Part III. Restriction on raising of Agricultural Rents.

Part IV. Power to enforce proper cultivation.

Part V. General provisions as to Regulations, Powers of entry and inspection. &c.

Schedule I. The constitution of Wages Boards in England.

Schedule II. The constitution of Agricultural Wages Committees in Scotland.

Schedule III. The provision for the enforcement of proper cultivation of land in Ireland.

It is proposed to deal briefly in this Memorandum with the effect of the various Parts of this Act.

## CHAPTER I.

## PART I.

## MINIMUM PRICE OF WHEAT AND OATS.

Farmer to  
be paid a  
Bonus on  
Corn.  
S. 1, ss. 1.

The object of this part of the Act is to provide that where wheat or oats shall be produced during the years 1917-1922, the "minimum price"\* shall be fixed by the Government for the value of the crops so produced, and where the actual average market price is less than the minimum, there is to be paid to the farmer whether he be an owner or tenant a bonus depending on the difference between such minimum price and the average market price existing at the time, with the result that he may be encouraged to produce from his land the maximum amount of the crops referred to.

Method of  
computing  
Bonus.  
S. 2, ss. 2.

The provisions work in the following manner.

If the average market price for the seven months beginning on the 1st day of September (such price being ascertained by adding together the weekly averages of the weeks included in those seven months and dividing the total by the number of weeks, the weekly averages for any week being the average price per quarter for that week of wheat or oats ascertained as under the Corn Returns Act, 1882) is less than the minimum price fixed by Part I. of the Act, the occupier of any land on which wheat or oats have been produced in that year shall be entitled to be paid by the Board of Agriculture and Fisheries in respect of each acre on which he proves to the satisfaction of the Board that he has produced such wheat or oats, a sum equal, as regards wheat, to four times, and as regards oats, to five times, the difference between the average price and the minimum price per quarter.

Minimum  
Prices fixed  
by Act.  
S. 2, ss. 1.

It will perhaps be well to here set out the minimum prices fixed under Section 2, Subsection 1 of the Act,

---

\* This minimum price is really inaccurately described as "price"; it is, in fact, a sum fixed for each year to represent the basis for the ascertainment of the bonus due to the farmer.

and to give examples based on these prices showing the exact effect of payments of bonus. The following are the minimum prices fixed:—

| Crop for Year. | Wheat Price,<br>per quarter. | Oats Price,<br>per quarter. |
|----------------|------------------------------|-----------------------------|
| 1917           | 60s.                         | 38s. 6d.                    |
| 1918 )         |                              |                             |
| 1919 )         | 55s.                         | 32s.                        |
| 1920 )         |                              |                             |
| 1921 )         | 45s.                         | 24s.                        |
| 1922 )         |                              |                             |

In the year 1919, for instance, it will be seen that the "minimum price" for wheat per quarter under the Act is 55s. If, in fact, in this year the average market price is, say, 50s., the farmer will receive for every acre under wheat four times the difference between the minimum price of 55s. and the average market price of 50s., that is, four times 5s., in other words, £1 per acre.

Again, to take another example, the "minimum price" for oats per quarter for the crop for the year 1921 has been fixed at 24s. If in that year the average market price for oats is 22s., the occupier will receive five times the difference between 24s. and 22s., that is, five times 2s., or, in other words, 10s. per acre as a bonus.

To take a third case. The average market price for wheat in 1918 is 60s. per quarter. The "minimum price" under the Act is fixed at 55s. per quarter. In this case as the average market price is more than the "minimum price" set out in the Act, no bonus is payable.

After the end of March in any year the Board of Agriculture and Fisheries shall cause the average price of wheat and oats for the preceding year to be published in the London Gazette. In Scotland the notification will be made in the Edinburgh Gazette. In Ireland in the Dublin Gazette. The expression "quarter" means, in the case of wheat, 480 imperial lbs., and in the case of oats, 312 imperial lbs.

The Board of Agriculture and Fisheries, however, if it appears to them that the wheat and oats were intermixed with any other crop, have power to adjust (as they may think proper) the amount payable under this bonus provision.

Average Price to be published by Board of Agriculture and Fisheries.  
S. 2, ss. 3.  
S. 17, ss. 1 (c).  
S. 18, ss. 1 (c).  
S. 18, ss. 2 (g).

Power of the Board to adjust the amount of Bonus payable.  
S. 1 (a).

Board may withhold payment if cultivation is bad.  
S. 1 (b).

Moreover, if in the opinion of the Board the land has been negligently cultivated, they may either withhold altogether the payments to which the occupier would otherwise have been entitled, or may diminish the amount of any payment to such extent as they think proper to meet the circumstances of the case.

Persons entitled to receive Bonus.  
S. 3, ss. 1.

The person entitled to receive payment of the bonus is the person who on the 1st day of September in the year in which the wheat or oats was produced was the occupier of the land, but if there has been any change in the occupation of the land on which the crop has been produced, then (a) if the outgoing tenant is under any custom or otherwise entitled to harvest the crop, the outgoing tenant shall be entitled to receive the payment, or (b) if the outgoing tenant is under any custom or otherwise entitled to receive compensation from his landlord or the incoming tenant in respect of the crop, the right of the landlord or the incoming tenant to receive payment of the bonus shall be taken into account in the assessment of the compensation so payable.

Position of Outgoing Tenant.

Position of Incoming Tenant in Certain Cases.

Claims for payment of Bonus.

As regards claims for payments, these shall be *made to and determined* by the Board of Agriculture and Fisheries in accordance with regulations made in the Act, to which reference will afterwards be made on page 58, and the decision of the Board shall be final and conclusive.

Fraudulent Claims where Payment has been made.  
S. 3, ss. 2.

If at any time it is found that a payment has been obtained, or a payment in excess of the amount properly payable has been obtained, by means of false pretences, the person to whom the payment was made, apart from any criminal liability, shall be liable to pay the Board the amount of such payment or excess payment, and this shall be recovered, without prejudice to the recovery thereof as a debt due to the Crown, by the Board summarily as a civil debt.

Fraudulent Statements as to Claims.  
S. 3, ss. 3.

Again, if a person for the purpose of obtaining the payment of a bonus, either for himself or for any other person, makes a false statement, he is liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding £50, unless he can prove that he did not and could not with reasonable diligence have ascertained that the statement or representation which he made was false.

Power of Board to obtain information.  
S. 15, ss. 1.

The Board of Agriculture and Fisheries, moreover, have power to obtain such information as is necessary for the purposes of exercising their powers under the Act, and by notice served by registered post or otherwise on the occupier of any agricultural land or on the person having the management of such land, may require him to make

within such time and to such person as the Board may prescribe, a return in writing in respect of the cultivation of the land, the crops and live stock thereon, and also the name of the owner thereof.

Notice may be sent by registered post.  
S. 17, ss. 2.

No individual return, however, or part of return shall be published or disclosed except for the purposes of a prosecution or other proceedings under the Act.

No Return to be published.  
S. 15, ss. 2.

If any person without lawful excuse refuses to make a return to the best of his knowledge and ability, or makes a return which is false in any particular, or discloses or publishes any individual return or part of return except as already stated, he shall be liable on summary conviction to a fine not exceeding £20, or if the Court is of opinion that he committed the offence wilfully, to imprisonment with or without hard labour, for a period not exceeding three months.

Refusal to make Return.  
S. 15, ss. 3

Further, any person authorised by the Board of Agriculture and Fisheries or any body of persons exercising any powers of the Board may, for the purposes of carrying the Act into effect, on the production of his authority enter and inspect any land, but the occupier in all cases will be served with notice of the date on which the inspection is to take place, and if any person prevents or obstructs the entry for the purposes of this inspection of any person who is authorised so to enter, he shall be liable on summary conviction to a fine not exceeding £20.

Powers of Inspection by Board.  
S. 13.

## CHAPTER 2.

## PART II.

## AGRICULTURAL WORKMEN (MINIMUM WAGE).

Part II.  
deals with  
Wages.

This part of the Act deals with the rate of wages payable to employees in agriculture as defined by the Act (see page 37 of this Memorandum) and with the method of constituting Wages Boards.

Various  
kinds of  
Workmen.

It is of the utmost importance that it should be borne in mind that the Act applies to three distinct classes of workmen, namely :—

- (1) Able-bodied men,
- (2) Non-able-bodied workmen, and
- (3) Workmen generally—which includes boys, women and girls.

S.17, ss. 1 (c).

Definition of  
Able-  
bodied.  
S. 5, ss. 9.

All men are presumed to be able-bodied unless they are incapable by reason of age or mental or other infirmity, or physical injury, of performing the work of a normally efficient workman.

Definition of  
Agricultural  
Workmen.  
S. 17, ss. 1 (a).

It must also be borne in mind that this part of the Act applies not only to persons engaged in agriculture as ordinarily defined, but also to persons engaged on grazing, meadow, pasture lands, orchard, osier-land and woodland, and also on land used for market gardens and nursery grounds.\*

Employers  
liable to pay  
Minimum  
Rates.  
S. 4, ss. 1.

Generally the scheme of the Act is as follows. As regards all employees (able-bodied men, non-able-bodied men, women, boys and girls), as soon as the Wages Boards have fixed the appropriate minimum wages, then under Section 4, Subsection 1, of the Act, any person who employs workmen in agriculture (that is, any man whether able-bodied or not, boys, women or girls), if he does not pay the minimum rate as fixed by the Wages Board under the Act, and applicable to the particular case, is liable on

---

\* Although the Act does not expressly exclude them, it has been stated on behalf of the Government that, in the opinion of their legal advisers, where men are engaged in private gardens, even if these gardens include woodland, pasture land, or orchard land, such employees would not come under the provisions of the Act. (Hansard, House of Lords, Vol. 26, No. 74, col. 617.)

summary conviction to a fine for each offence not exceeding £20, with a further fine of £1 for each day on which he continues the offence after the conviction, provided, however, that he is not liable to be convicted if he proves that he did not know and could not with reasonable diligence have ascertained that the wages paid were less than the wages required under the Act. But as regards able-bodied men there is a distinction, for under Section 4, Subsection 4, they are entitled to the benefit of the Act from the 21st August, 1917, whether the Wages Board have fixed a minimum rate or not, but an employer's liability in such cases appears to be limited to the payment of 25s. a week from the 21st August, 1917, to the date when the Wages Board have fixed the minimum rate for this class of man, and as this rate might be considerably above the 25s. limit, an employer must as from the date of the fixing of such minimum rate by the Wages Board, pay the sum they so fix, but for the period between 21st August, 1917, and the date when the Wages Board have issued a decision, provided the employer has paid his able-bodied men the equivalent of 25s. a week he appears safe under the Act.

Moreover, in any proceedings against an employer the Court, whether there is a conviction or not, may order the employer to pay in addition to the fine, if any, such sum by way of arrears as it considers the workman is entitled to, calculating such sum at the minimum rate applicable to the particular workman, but any payments of this nature ordered by the Court in respect of wages shall not prevent a workman from recovering wages by any other proceedings open to him under the Act.

Court may order payments to Workmen.  
S. 4, ss. 2.

Further, any agreement for the payment of wages at less than the minimum rate, or an agreement by which an employee undertakes to abstain from his right to claim the payment of the minimum wages to which he may be entitled under the Act, is void.

Illegal to contract out.  
S. 4, ss. 3.

Minimum rates may be fixed so as to apply universally to workmen employed in agriculture, or to any special class of workmen, or to any special area, or special class in a special area, and the Agricultural Wages Board may make exceptions for employment of a special character, and so as to vary according as the employment is for a day, week, or month, or other period, or according to the number of working hours or the conditions of the employment, or so as to provide a different rate in the case of overtime. This proviso applies to both time and piece-work rates.

S. 5, ss. 3.

In dealing with this question of wages, it will perhaps be well to take the various classes separately.

## ABLE-BODIED MEN.

Provisions as to able-bodied men. S. 4, ss. 9, 2.

As regards able-bodied men, these men are entitled to whatever minimum rate may be fixed for the particular work they are doing when such rate is fixed by the Wages Board, and further for the period from the date of the passing of the Act (August 21st, 1917) up to the time when the minimum rate is fixed, the workman may sue his employer for the difference between the sum he has been paid and the minimum rate ultimately fixed by the Wages Board for his particular work, and such action would take place in a civil court. If, however, as already stated, it can be shown by the employer that the wages paid to the able-bodied man are equivalent to wages for an ordinary day's work at the rate of 25s.\* a week, the workman cannot recover, and the action must be commenced by the workman within three months after the minimum rate has been fixed.

It seems clear, however, that an employer who employs an able-bodied man after the date of the passing of the Act, that is August 21st, 1917, cannot be liable for a criminal prosecution if he is paying such a man less than 25s. a week, that is, for the period between August 21st, the date of the passing of the Act and the date of the fixing by the Agricultural Wages Board of the minimum rate of wages for such man, but an able-bodied man could by civil action recover as arrears due to him the difference between the sum he actually received during this period and the equivalent of 25s. per week. It is therefore most important that employers should provide for all able-bodied males in their employ a wage equivalent to 25s. a week, and this from the 21st August, 1917, the date of the passing of this Act, otherwise they are liable to legal proceedings under the Act.

*After* the minimum rate has been fixed by the Wages Board the employer, as above stated, is liable to criminal prosecution if he does not pay to the man the minimum wage which the Wages Board has decided upon, even if this rate is above 25s. per week.

Board of Agriculture and Fisheries may appoint officers to investigate wages questions. S. 14, ss. 1, 2.

The Board of Agriculture and Fisheries may appoint officers to investigate complaints as to payment of wages, and may require wages sheets to be produced, and information to be given by employers, subject to penalties. See page 36.

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\* This 25/- per week does not necessarily represent 25/- cash. Allowances for cottages, benefits and advantages will be taken into consideration. S. 12, 1 (b.) see page 20 of this Memorandum.

## NON-ABLE-BODIED WORKMEN, AND WOMEN, BOYS, AND GIRLS.

As regards non-able-bodied workmen, women, boys and girls, there appears in the Act to be no right on the part of these people to claim for any wages in excess of the sum which they were receiving between the date of the passing of the Act and the fixing of the rate for this class by the Wages Board, even if such sum is less than 25s. per week, so the employer would run no risk of criminal prosecution or of a civil action until the Wages Board has actually decided what sum he should pay to these classes of workmen, and the employer and such workmen appear free to make whatever bargain they may desire.

Position of  
non-able-  
bodied Work-  
men, Women,  
Boys and  
Girls.

Moreover, non-able-bodied workmen can obtain a permit, probably from the Sub-Committees to be appointed in the various districts (as afterwards mentioned on page 45 of this Memorandum), and a man holding this permit will be free to contract with the employer for work at a sum notified therein. It is important that these permits should be obtained as soon as possible.

Permits for  
non-able-  
bodied Work-  
men.  
S. 5. ss. 3.

After the fixing by the Wages Boards of the minimum rate applicable to women, girls and boys, and to non-able-bodied workmen as specified in the permit, an employer will be liable to a criminal prosecution unless he pays the minimum rate which the Wages Board have determined upon for the particular case.

Employers  
liable to pay  
Minimum  
Rates to  
Workmen  
other than  
able-bodied.

It is important, however, that all employers of non-able-bodied men should carefully consider the note on this class of workmen set out on the following page, and if the man, although considered non-able-bodied by the employer has not a permit to accept a lower wage than the equivalent of 25s. a week, and is in fact receiving less than this sum, then the employer should as soon as possible obtain official information as to his liability under the Corn Production Act.

Position  
of men  
subsequently  
declared  
able-bodied.

### SUMMARY.\*

To sum up, therefore, the position appears to be as follows :—

Able-bodied  
men.

An able-bodied man is entitled to a minimum wage of 25s. a week from the date of the passing of the Act to the date when the Wages Board have fixed the minimum rate

\* See also Official Memorandum issued by Board of Agriculture and Fisheries on page 75.

of wage for him, which, of course, may be in excess of this sum of 25s. If the employer has not been paying the full sum of 25s. for this class of man for this period, although not liable to criminal prosecution he is liable to a civil action for the difference between the rate he has been paying the able-bodied man and 25s. a week. After the minimum rate for able-bodied men has been fixed by the Wages Board he must pay the sum specified.

Non-able-bodied workmen.

A non-able-bodied workman, from 21st August, 1917, to the fixing of minimum rates by a Wages Board, can contract for whatever wages he and the employer may agree, and even if they are less than the minimum rate afterwards fixed by the Wages Board for this class the employer cannot be prosecuted criminally for having paid a less sum than the sum at which this rate is fixed by the Board, nor can the workmen successfully undertake a civil action against the employer. After the minimum rate has been fixed for non-able-bodied workmen, the employer must pay this minimum rate, unless the workman has a permit.

Boys, women and girls.

The position of all boys, women and girls appears to be the same as that of non-able-bodied workmen.

Non-able-bodied men subsequently declared able-bodied.

There is, however, one point under the Act that presents difficulty, and that is the position of a man who, in the opinion of the employer, is non-able-bodied, but who is found by the Wages Board afterwards to be an able-bodied man.

In this case it is submitted that as soon as the man has been found to be an able-bodied man by the Wages Board, the employer at once becomes liable as from the date of the passing of the Act to the date of the decision of the Board, for the difference between the wages which he was in fact paying and 25s. a week, and the man could by civil action against the employer obtain these arrears due to him.

The Act shall not prejudice existing agreements at rates higher than the minimum.  
S. 5, ss. 8.

Any minimum rates fixed under the Acts will be without prejudice to the payment by agreement entered into, or custom existing before 21st August, 1917, of rates higher than the minimum.

### WORKMEN AND PIECE WORK.

Piece-work men.

The foregoing remarks apply to workmen engaged on time work.

It is now proposed to deal as briefly as possible with those who are engaged on piece work, and it is submitted that in dealing with this question of piece work the greatest

difficulties and complications under this part of the Act will arise, and until full regulations have been issued by the Board of Agriculture and Fisheries on this point any observations must be made with considerable reserve.

Under the Act, although the Wages Boards are compelled to fix rates for time work, there appear to be discretionary powers as to whether the Board shall or shall not fix wages for piece work. Reference is also made to the remarks on time-work rates set out above, for information as to overtime, employment under special conditions, the work of special classes of workmen, and such like matters.

Wages Board may fix piece-work rates.  
S. 5, ss. 2, 3.

Where no minimum piece-work rate has been fixed the workman employed on such piece work, or any person authorised by him, may complain to the Agricultural Wages Board (for constitution of this Board, see page 43 of this Memorandum), and if the piece rate of wages paid to him is at such a rate that he has obtained a less amount than if his wages had been fixed on the minimum time-work rate basis, the Committee may ask that the employer shall pay the workman an additional sum by way of wages for the piece work done by him at piece rates so as to make the same equal to the amount he would have earned if done at the minimum time-work rates, provided the work has been done at any time within fourteen days before the date of complaint or at any time after the date of complaint and before the decision of the Committee, and any sum so awarded to the workman by the Committee can be recoverable as a civil debt.

Piece-work men may complain of insufficient earnings.  
S. 6.

This proviso applies to workmen generally, whether able-bodied or not, and whether men, boys, women or girls.

Proviso applies to all workmen.

#### GENERAL DIRECTIONS AS TO FIXING MINIMUM RATES.

Before fixing any minimum rate of wages, the Agricultural Wages Board shall give notice of the rate which they propose to fix, considering any objection to the rate which may be lodged with them within one month. The Board shall give notice of any minimum rate fixed to the persons affected by the rate—which no doubt means employers and employees. How this will be done will ultimately appear in the Regulations, but probably in the first instance the minimum rates for the district will be advertised on public buildings and in the Press, and the farmers themselves and the employees will be individually informed of the sum at which the minimum rate has been fixed, by the District Wages Committees. (See page 44.)

Wages Board to give notice of minimum rates.  
S. 5, ss. 4.

Wages Board  
may cancel  
or vary  
minimum  
rates.

S. 5, ss. 5.

The Agricultural Wages Board may also cancel or vary any minimum rate fixed by them and are bound to reconsider the rate if the Board of Agriculture and Fisheries ask them to do so, but where a rate has been cancelled or varied it will be necessary for them to give notice of what has been done.

The method of fixing the rates by the Agricultural Wages Boards is dealt with in Chapter 13 of this Memorandum, for the benefit of those who wish for more detailed information as to how Wages Boards and District Committees are constituted and how they propose to carry out their work.

Directions  
to Wages  
Boards as to  
fixing rates.

S. 5, ss. 6.

In fixing the minimum rate of wages, the Agricultural Wages Board shall, so far as is practicable, secure for able-bodied men wages which in the opinion of the Board are sufficient to promote efficiency and enable a man in ordinary cases to maintain himself and family in accordance with such standard of comfort as may be reasonable in relation to the nature of his occupation.

Able-bodied  
men to  
receive not  
less than  
twenty-five  
shillings  
weekly.

S. 5, ss. 7.

It is also the duty of the Agricultural Wages Board, when fixing minimum rates for time work, to secure for able-bodied men wages which in their opinion are *equivalent* to wages for an ordinary day's work at the rate of at least 25s. a week.

Assessing  
allowances  
for cottages  
and other  
benefits.

S. 12, ss. 1 (b).

In arriving at this 25s. a week, the Agricultural Wages Board, when required to do so by the Board of Agriculture and Fisheries, will have power to define the benefits or advantages which may be reckoned as payment of wages in lieu of cash and the value at which they are to be reckoned. The Board will also be enabled to determine any question which may arise as to the value of the benefits or advantages and generally as to any contracts of employment, such determination being under the Regulations being made by the Board of Agriculture and Fisheries.

Wages Board  
may act  
for workmen.

S. 7.

A workman employed in agriculture, or any person authorised by him, may complain to the Agricultural Wages Board if the wages being paid are at a less rate than the minimum rate fixed by the Board, and the Board shall consider the matter and may, if they think fit, take proceedings under the Act on behalf of the workman.

The powers of taking these proceedings, etc., are dealt with more fully in the Chapter on Wages Boards on page 43 of this Memorandum.

## CHAPTER 3.

## PART III.

## RESTRICTION ON RAISING OF AGRICULTURAL RENTS.

Under this Part of the Act (which deals with restrictions on raising of Agricultural Rents) the rent payable under any contract of tenancy made or varied after the date of the passing of this Act (August 21st, 1917) in respect of an agricultural holding must not exceed the rent which could have been obtained if the bonus provisions of Part I. had not been in force, and a dispute as to whether the rent demanded is in excess has to be determined by a single arbitrator under the provisions of the Second Schedule of the Agricultural Holdings Act of 1908. (For this Schedule see page 72.)

Part III.  
deals with  
agricultural  
rents.  
S. 8, ss. 1.

The rent payable under a contract of tenancy shall not, however, be deemed to be in excess of that fixed by the Act unless notice in writing requiring the question to be referred to arbitration has been served on the landlord within a year from the commencement of a new tenancy or the alteration of terms of a tenancy existing at the 21st August, 1917.

Notice for  
arbitration  
to be in  
writing.  
S. 8, ss. 1.

If when the arbitration takes place it is found that the rent payable under the contract of tenancy is in fact in excess of the amount which could be obtained if the bonus provisions had not been in force, the contract shall, as from the commencement or variation of the tenancy, be effective if the rent set out therein and payable under the contract is reduced by the amount found to be excessive.

Arbitration  
may vary  
contract of  
tenancy.  
S. 8, ss. 2.

Part III. does not affect any proceedings by the landlord for enforcing payment of rent except in cases where, before the commencement of the proceedings, it has been determined by an arbitrator that the rent is in excess of that which could be obtained if the bonus provisions had not been in force under Part I., and any excess rent which has been paid or recovered before the award of the arbitrator shall be recoverable by the tenant from the landlord either by way of deduction from rent or otherwise.

Landlord  
can enforce  
payment of  
rent.  
S. 8, ss. 3.

During the Debates on the Bill in Parliament the question arose as to whether, where capital expenditure had been made on buildings, the tenant undertaking to pay, say, five per cent. interest on such capital expenditure,

Interest on  
capital ex-  
penditure  
not rent.

this could be deemed to be "rent" within the meaning of the section, but the view was taken by the advisers of the Government that such percentage payment would not be regarded as rent within the meaning of this part of the Act.

Example.

The following illustration may perhaps more clearly explain the point which created doubt. If a tenant, owing to the fact that he had ploughed up large areas because of the bonus provisions of Part I., asked his landlord to erect barns, stables, fences or other capital works, and undertook to pay five per cent. on such capital expenditure annually by way of interest, would it be held, that as the tenant only required the barns and stables because he had ploughed up grass owing to the bonus provisions of Part I.; the interest payable by him to the landlord should come within Part III. of the Act as being in excess of the rent rightly demandable.

It was definitely stated, however, that such payments by way of interest would not come within the provisions of the section.

No general restriction on rent raising.

Part III. merely prohibits the raising of rents where the increased rent demanded could not have been obtained except for the passing of Part I. of the Act. There is therefore nothing in this Part to prevent landowners, should they so desire, from raising their rents to meet increased mortgage interest, increased cost of repairs, demands for tithe, and such like charges, nor from raising the rent of agricultural land which has been underlet.

The whole object of Part III. is to prevent owners attempting to take advantage of the bonus provisions of Part I. and raise their rents to obtain the advantage of these provisions.

Examples.

For instance, farms may have been let at low rents fixed at a time of great agricultural depression. It may be that these rents have never been revised, or at all events, not in recent years, although owing to the modern conditions of agriculture and present prices existing, quite apart from the bonus proposals of this Act, such rents are far below the true economical letting values of the holdings. In such cases there is nothing in Part III. of this Act to prevent the raising of these rents to their true value.

Again, the following case might easily occur. The owner is advised that he is entitled to raise the rent of a farm let at, say, £180 per annum to £240, this latter figure being its true annual value apart from any advantages of the bonus given by Part I. of this Act, and this increased rent is demanded. In such a case, should the tenant claim that the £240 could not have been obtained unless the bonus

provisions had become law and the matter be referred to arbitration, it is possible for the arbitrator to find that, in his judgment, the £240 did exceed by £20 the fair annual letting value of the farm and that therefore the £20 could only be obtained owing to the bonus on corn which this Act grants. The result of such a decision would be that the tenancy would be effective not at the old rent of £180 but at the new rent of £220 per annum.

S. S. ss. 2.

## CHAPTER 4.

## PART IV.

## POWER TO ENFORCE PROPER CULTIVATION.

In dealing with this Part of the Act there are two important matters which must be borne in mind.

Date of  
coming into  
force.

The first is that under Section 11, Subsection 3, this Part, which refers to proper cultivation, will not come into force until August 21st, 1918, *i.e.*, a year after the passing of the Act, or until the present war has terminated, whichever shall be the earlier.

Up to that date the procedure for enforcing proper cultivation will be that at present in existence under the Defence of the Realm (Consolidation) Act.

Limited  
in its  
application.  
S. 17, ss. 1  
(a & b).

The other important point is this, that Part IV. apparently does not refer to "agriculture" generally, this word not occurring in Part IV., but only to "cultivation," and, according to Section 17 Subsection 1 (b) this latter expression "includes the use of land for grazing, meadow or pasture," and therefore it may perhaps exclude the use of land as orchards, woodlands, osier land, market gardens, or nursery gardens mentioned in the wider definition of agriculture. It is at this stage extremely difficult to say whether market gardens, nursery grounds, woodlands, and such like lands, come within the scope of this Part of the Act, at any rate so long as they are properly used as orchards, woodlands, or market or nursery gardens, as the case may be; only three uses of land, namely, grazing, meadow and pasture, are mentioned in the definition of "agriculture." This matter is again referred to on page 37 of this Memorandum.

## POWERS UNDER PART IV.

Powers of  
Board of  
Agriculture  
and  
Fisheries  
S. 9, ss. 1.

The Board of Agriculture and Fisheries, if in their opinion either—

(a) the land is not being cultivated in accordance with the rules of good husbandry, or

(b) so as to increase the production of food in the national interest the mode of cultivation on any land shall be changed.

may serve a notice on the occupier requiring him to cultivate the land as they may direct, and if the land is in the occupation of a tenant and such cultivation may cause a breach of the covenant or condition of the contract of tenancy, the Board may serve a notice either at the same time or subsequently, suspending the covenant or condition, and may also make provision for giving the landlord such payment or benefits as the Board think him justly entitled to owing to the fact that he has been called upon to suspend the covenant or condition of contract of tenancy in favour of the tenant.

The person who receives any notice may, within a time to be prescribed by Regulations issued by the Board of Agriculture and Fisheries, appeal to an independent arbitrator for a decision as to whether the land is being either—

Appeal by  
person  
aggrieved.  
S. 9, ss. 1.

(1) cultivated in accordance with the rules of good husbandry, or

(2) whether it is desirable in the interests of food production that the change to be made in cultivation should apply to any portion of the land.

Where such an appeal has been entered the Board shall not take any action for enforcing their orders, except in accordance with the terms of the Award, and where the person on whom the notice is served is a tenant, the landlord shall have the same rights as a tenant in referring the matter to an independent arbitrator.

The arbitrator is to be appointed under the Second Schedule to the Agricultural Holdings Act of 1903 (page 72), with the provision that in the event of default of agreement as to who should be appointed arbitrator, the President of the Surveyors' Institution shall make the appointment.

Appointment  
of arbitrator.  
S. 11, ss. 1.

If the occupier fails to cultivate the land in accordance with the directions given, the Board of Agriculture and Fisheries may, after giving notice to be prescribed by Regulations --

Power of  
Board to  
determine  
tenancy.  
S. 9, ss. 3.

(1) if the occupier is the tenant, make such order as they think necessary in the circumstances either authorising the landlord to determine the tenancy, or determining the tenancy by order, and

(2) if the occupier in default is not a tenant, the Board may enter on and take possession of the land, and either themselves or by any person authorised by them, do all things they think necessary and desirable for cultivating the land or for adapting it for cultivation.

Any order of the Board may also contain such provisions as the Board may think necessary for adjusting the relation of landlord and tenant when the tenancy is determined, and any such provision of the order shall take effect as if it were actually contained in the contract of tenancy.

Occupier  
may request  
record to be  
made.

S. 9, ss. 4.

After the Board have entered upon any land the person who is in the occupation of the land at the time of entry may, within three months of the entry by the Board, require a record of the condition of the buildings, fences, gates, roads, drains, ditches, etc., and this record is to be made within three months after the application has been made therefor.

The person to make such record in default of agreement is to be nominated by the President of the Surveyors' Institution, and in default of agreement the cost of making the record must be borne by the Board of Agriculture and Fisheries and the person previously in occupation, in equal proportions.

Board may  
let land  
after entry.

S. 9, ss. 5.

Where the Board of Agriculture and Fisheries have entered on any land they may, after giving such notice to be prescribed by Regulations, let the land, or, with the consent of the owner, any part thereof, for any term not exceeding five years, on such terms and conditions as the Board of Agriculture and Fisheries think best, and at the best rent having regard to the terms and conditions which can reasonably be obtained.

Owner to  
see draft of  
contract and  
receive copy.

S. 9, ss. 5,  
(a & b).

Before, however, any contract of tenancy is executed by the Board of Agriculture and Fisheries under this provision, a draft is to be sent to the owner of the land, and he is to be given a reasonable opportunity of objecting to any provision therein, and also a copy of the contract of tenancy is to be sent to him as soon as possible after its execution.

Notice of  
Board  
defence  
against  
action for  
breach of  
covenant.

S. 9, ss. 6.

Any notice issued by the Board of Agriculture and Fisheries which directs the suspension of any contract or condition is sufficient defence to any action or other proceeding for a breach of, or non-compliance with a covenant so far as such breach or non-compliance is authorised by the notice of suspension issued by the Board.

Owner may  
request withdrawal of  
Board.

S. 9, ss. 7.

After the contract of tenancy of any land has been created by the Board of Agriculture and Fisheries, and the owner of the land requires the Board to withdraw, the Board shall withdraw as soon as they reasonably can.

Board to  
give notice  
before with-  
drawal.

S. 9, ss. 8 (a).

Before, however, the Board withdraw from any land of which they have taken possession, they shall, before withdrawing (except where the withdrawal is required by the owner of the land), give notice in writing to be prescribed by Regulations, of their intention to withdraw,

such notice being sent to the person entitled to resume occupation of the land, but such notice shall be given not less than three months previously to the withdrawal by the Board, and shall expire on one of the half-yearly days customary in the district where the land is situate.

Moreover, the Board may recover from the person then entitled to resume occupation of the land, the amount which represents the value to him of all acts of cultivation, or of adaptation to cultivation, which the Board have executed. In the event of disagreement as to the amount, the question will be decided by arbitration. (See Chapter 8, page 34.)

Board can  
recover  
value of  
cultivation.

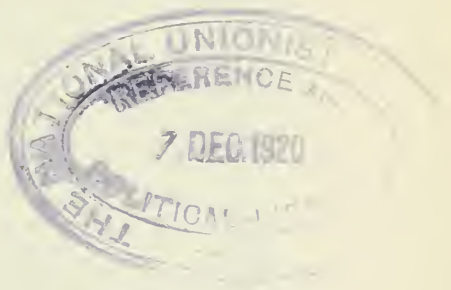
S. 9, ss. 8 (b).

Although the Board may withdraw, the land shall be subject to any tenancy which they have created during their possession in the same manner as if such tenancy had been created by the person entitled to the occupation of the land had it not been for the Board's entry.

Land still  
subject to  
tenancy  
created by  
Board.  
S. 9, ss. 8 (c).

Any person who is interested in any land in respect of which a notice is served or order made, or possession is taken, under Part IV. of the Act, who suffers any loss, has certain rights to put forward a claim for compensation, and these rights are dealt with more fully in the following Chapter.

Persons in-  
terested have  
rights of  
compensa-  
tion.



## CHAPTER 5.

## COMPENSATION.

Position  
under  
Defence of  
the Realm  
Regulations.

It is most important that agriculturists affected by Part IV. of the Corn Production Act should know the rights of compensation to which they are entitled in respect of any damage which they have suffered.

At the present time while procedure as to enforcing proper methods of cultivation is taken under the Defence of the Realm (Consolidation) Act, the view expressed by the Government is that if a farmer or landowner has suffered loss through the action either of the Board of Agriculture and Fisheries or their agents (such as the County War Agricultural Committees) he can only put forward a claim as of grace to the Defence of the Realm (Losses) Commission, and is only entitled to such sums as this Commission may award.

Rights under  
Corn Pro-  
duction Act.

Under the Corn Production Act, however, with which this Memorandum is concerned, certain rights of compensation are given, and although there are several points which present considerable difficulty, generally speaking the position is as follows, and as it is thought that it will perhaps be more useful to those concerned with these claims, the matter is dealt with by dividing them into various classes with reference to the date at which they will probably be put forward.

1. *Appeal against an order as to cultivation made by the Board of Agriculture and Fisheries.*

S. 9, ss. 1.

Under Section 9, Subsection 1, of the Act, the Board of Agriculture and Fisheries, as stated above, if they consider that the land is not being cultivated in accordance with the rules of good husbandry, or that the use of the land should be changed as to cultivation so as to increase, in the national interest, the production of food, may serve a notice on the occupier of such land requiring him to cultivate as the Board may direct.

If the person receiving the notice is aggrieved he may appeal to an independent arbitrator as under the Agricultural Holdings Act of 1908 (Second Schedule), and if agreement cannot be reached as to the arbitrator then the President of the Surveyors' Institution shall nominate one to decide the question whether (a) the land has been cultivated according to the rules of good husbandry, or (b) whether it is undesirable in

the interests of food production that the change should apply to any portion of the land included in the notice.

The time in which he has to appeal will be shown by the Regulations which the Board of Agriculture and Fisheries can make under Section 12, Subsection 1.

Regulations as to time for entering appeal.  
S. 12, ss. 1.

Where a tenant has a notice served upon him, the landlord has equal rights in requiring that the question in dispute shall be referred to arbitration, and where a notice is served on a tenant the landlord is at the same time to be served with a similar notice under Section 9, Subsection 2.

Landlord and tenant both have rights.  
S. 9, ss. 2.

The next step in the proceedings is where the occupier of the land fails to cultivate the land in accordance with instructions issued by the Board. As already stated in this Memorandum on page 25, if the occupier in default is a tenant, the Board shall themselves determine the tenancy, but if he is not the tenant, the Board may take possession of the land, or of the holding of which it forms part, and carry out the work.

Cases where order of Board has not been carried out.

## 2. *Compensation where the Board have taken possession.*

When the Board actually enter into possession considerable difficulties arise as to what is the position of the landowner in such cases.

Compensation where Board have taken possession.

It is clear that if the landowner is to be dispossessed of his land, probably receiving no rent therefrom for a considerable period, it would be quite impossible for him to discharge the outgoings such as repairs, tithe rent-charge, mortgage interest, family charges and such like matters.

On the Debate in the House of Lords on the Corn Production Bill it was clearly stated by Viscount Milner—on behalf of the Government—(16th August, 1917, Hansard, Vol. 26, No. 73, col. 573) that the legal advisers of the Government take the view that where a landowner is put out of his land by the Board of Agriculture and Fisheries he will not be liable for tithe rent-charge, further, that as the rates and taxes fall upon the occupier, the Board of Agriculture and Fisheries, or their Agents, if they happen to be in possession of the land themselves, or the tenant to whom they may let it, will be the occupier liable for these rates and taxes.

As regards the cost of necessary repairs and insurance, Viscount Milner stated that it would be essential for the Board of Agriculture and Fisheries to meet these,

unless they wished to expose themselves to heavy loss and consequently heavy compensation to which they would become liable to the owner.

Viscount Milner then continued that it was indisputable that the owner was entitled to receive the annual value of the land after these various charges have been defrayed, and the object of the compensation clauses of the Bill was to provide for the recovery of this as well as any other loss to which the owner may be exposed.

It is important to deal with this matter as it would indeed be a serious hardship if landowners were dispossessed of their land and then actually receive no rent but still be held liable for the outgoings.

Anyone interested in the land, if he has suffered *any loss* by reason of the exercise of the powers conferred on the Board by Part IV. of the Act, the Part which applies to farmers to enforce cultivation, and if he makes a claim within a period *measured from the date of the exercise of the power*, to be prescribed by Regulations issued by the Board of Agriculture and Fisheries (such period not being less than one year) shall be entitled to be paid by the Board of Agriculture and Fisheries such amount, or amounts, by way of periodical payments or otherwise, which may represent his loss.

The object of awarding compensation in the form of periodical payments is to provide that a landowner shall be entitled to an annual sum while deprived of possession so as to meet his outgoings.

In the event of the owner and the Board failing to come to an agreement as to the sum to be awarded for compensation, the matter will be decided by an arbitrator appointed as under the Second Schedule of the Agricultural Holdings Act of 1908, the arbitrator, in the event of disagreement of the parties, to be nominated by the President of the Surveyors' Institution.

It is difficult to say exactly in what form the claims should be presented, but it seems clear from the views expressed by the Government when the Bill was under discussion, that a farmer or landowner may put forward his claim in a simple manner and no doubt the Regulations will provide that he can, should he so desire, put forward a claim immediately the Board of Agriculture and Fisheries have entered into possession of his land, or have issued an order by which he is aggrieved.

Compensation may be by periodical payments.  
S. 9, ss. 9.

S. 9, ss. 10,  
and  
S. 11, ss. 1.

### 3. *Compensation at a future date.*

There is one question in relation to compensation which still remains to be dealt with, and that is the position of an owner who has ploughed up pasture land or otherwise altered the cultivation of his holding in accordance with instructions issued by the Board of Agriculture and Fisheries or their Agents.

Future Com-  
pensation.  
S. 9, ss. 9.

These persons, it would appear, have power to put forward a claim (under Section 9, Subsection 9) within a period to be prescribed by Regulations issued by the Board of Agriculture and Fisheries, asking that a capital sum should be paid them for any loss which they have suffered through the Board's action, and it would seem that such a claim can be put forward even if a claim for periodical payments has already been made as mentioned above.

It is not clear how long a period will be granted under the Regulations issued by the Board of Agriculture and Fisheries in which such claims may be advanced, and although the Government originally accepted an amendment extending the right of entering a claim where pasture land had been ploughed up until the year 1926, this concession was afterwards withdrawn by Parliament.

The Regulations, however, when finally issued, may give a considerable period in which to put forward a claim of this nature, and this is of great importance to those who have been called upon to plough pasture land, as until the bonus provisions of the Act introduced under Part I. have ceased to operate (*i.e.*, in 1922, or later if Parliament determines otherwise) it will be quite impossible for a landowner or farmer to know whether he has suffered heavy loss by ploughing up his pasture land to increase the supply of cereals in the country, as in the event of the price of these falling in, say, 1923, to a very low figure he will only then be able to calculate what loss he has suffered owing to the fact that many years must elapse before the land which has been ploughed up can again be restored to pasture.

## CHAPTER 6

## POWER OF THE BOARD TO DELEGATE POWERS.

Board may  
delegate  
powers.

The Board of Agriculture and Fisheries have power to authorise any body of persons in any area consisting of one or more Counties or County Boroughs, provided such body is constituted as provided by Regulations, to exercise on their behalf, subject to appeal to the Board as may be given in Regulations, any of the powers which by Part IV. of the Act are given to the Board themselves, and may, if they think fit, prescribe the procedure and the method of authentication of any notice or other instrument issued by any such body appointed.

War Agri-  
cultural  
Committees  
to act.  
S. 11, ss. 2.

The Regulations, however, must provide that the body constituted in the first instance is to consist of, or comprise persons who immediately before Part IV. of the Act comes into operation (*i.e.*, either after the end of the present war or the 21st August, 1918, whichever may be the earlier) were acting Members of the War Agricultural Committees constituted under the Defence of the Realm Regulations for the Counties or County Boroughs comprised in the areas already referred to.

## CHAPTER 7.

## DESTRUCTION OF CROPS BY RABBITS AND VERMIN.

The Board of Agriculture and Fisheries may, where they are satisfied that the crops, trees or pasturage are being damaged owing to the failure of the occupier of the land to destroy the rabbits and vermin, after giving the occupier and owner an opportunity of destroying the rabbits and vermin (such opportunity being such as in the opinion of the Board is reasonable), authorise in writing any person to enter on the land and kill or take the rabbits and vermin.

Board may act where damage done to crops by rabbits and vermin.

S. 10, ss. 1.

The Board have power also to recover from the occupier summarily as a civil debt the net cost which has been incurred by them in dealing with the rabbits and vermin.

The person who has authority given him by the Board to destroy the rabbits and vermin, as already stated, must, if required to do so, produce his authority, and if any person obstructs the Board's duly authorised representative in carrying out his duties, he is liable on a summary conviction to a fine not exceeding £20.

Board's agent must produce his authority.

S. 10, ss. 2.

The person who is entitled to kill the rabbits and vermin on any common land will be deemed, for the purposes of carrying out this provision as to the destruction of vermin, to be the occupier of the land.

Provision as to common land.

S. 10, ss. 3.

It seems clear that as the Board of Agriculture and Fisheries can delegate their powers under Part IV. of the Act, that the Members of War Agricultural Committees in the first instance after Part IV. comes into operation, if required by the Board of Agriculture to do so, could nominate persons to destroy rabbits and vermin.

S. 11, ss. 2.

As regards Scotland, where a tenant of shootings either owing to the operation of Part IV. of the Act, becomes or is, as a matter of fact, the only tenant of the land for other reasons, then in these cases the owner shall, if the Board of Agriculture for Scotland so decide by order, be deemed to be the occupier of the land, and no doubt in such cases as these he will be the person responsible for the keeping down of the rabbits and vermin so as to protect growing crops.

Proviso as to Scotland.

S. 18, ss 1 (h)

## CHAPTER 8.

## ARBITRATION.

Two  
systems  
adopted.

In the Corn Production Act two forms of arbitration are given in cases where disputes come to be decided.

The arbitrations are of a very similar nature and follow the system introduced by the Second Schedule of the Agricultural Holdings Act of 1908 (see page 72).

Arbitration  
under  
Part III.  
S. 8, ss. 1.

In Part III. of the Act where the tenant and landlord cannot agree as to whether the rent of the holding is in excess of the sum which can be rightly chargeable if the bonus provisions had not been in force, then the matter will be referred to arbitration, the arbitration coming under the Second Schedule of the Agricultural Holdings Act referred to above.

Under this Schedule (as will be seen on referring thereto) (page 72 of this Memorandum), in the event of the parties being unable to agree as to the arbitrator, on the application in writing by either of the parties, the Board of Agriculture and Fisheries shall nominate the arbitrator who is to act.

The Board not being an interested party in such arbitration, this system of nomination in the event of default is therefore adopted.

Arbitration  
under  
Part IV.  
S. 11, ss. 1.

Under Part IV. of the Act (which deals with powers of enforcing proper cultivation) the Board is an interested party, and therefore in the event of disagreement between the parties as to the arbitrator to be appointed, then the President of the Surveyors' Institution shall nominate the arbitrator who is to act in the matter.

Proviso as to  
Scotland.  
S. 18, ss. 1 (c)

In Scotland the Agricultural Holdings (Scotland) Act of 1908 applies, and where under the Corn Production Act the Board of Agriculture for Scotland is a party to an arbitration, the Sheriff Principal of the Sheriffdom in which the land affected is situated, shall nominate the arbitrator in the event of default.

Proviso as to  
Ireland.  
S. 18, ss. 2 (d).

As regards Ireland, questions and amounts to be determined under Part III. and Part IV. of the Act, *i.e.*, questions as to raising of agricultural rents or powers of enforcing cultivation, are to be determined by the Irish Land Commission on the application of any person interested, instead of by arbitration, and the powers and jurisdiction exercisable by the Land Commission in relation to applications made under the Land Law (Ireland) Acts may be exercised by the Land Commission in relation to any application under this provision.

## CHAPTER 9.

## PART V.

## GENERAL.

The Board of Agriculture and Fisheries in addition to any special power\* which is given them by this Act to make Regulations, can make Regulations generally for carrying out the Act, and may make Regulations—

Board of  
Agriculture  
and Fisheries  
can make  
regulations.  
S. 12, ss. (1).

(A) For prescribing the manner in which claims for payment of the bonus under Part I. are to be made and the evidence to be put forward to support such claims ;

(B) For requiring the Agricultural Wages Board to define the benefits or advantages which may be reckoned as payment of wages in lieu of payment in cash (such benefits not being benefits or advantages prohibited by law), and also the value at which they are to be reckoned, as mentioned on page 20 of this Memorandum ; and

(c) For requiring the Agricultural Wages Boards to define, in cases where a differential rate for overtime is to be fixed, the nature of the employment which is to be treated as overtime.

Any Regulations made under the Corn Production Act must be laid before each House of Parliament forthwith, and if an Address is presented to His Majesty by either House within the next subsequent twenty-eight days on which that House has sat after the Regulation is laid before it, praying that the Regulation may be annulled, His Majesty and Council can annul the Regulation which shall thenceforth be void, but without prejudice to the validity of anything previously done under it.

Regulations  
may be  
annulled by  
Parliament.  
S. 12, ss. (2).

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\* *E.g.*, see S. 9, ss. 1, 3, 5, 8 ; s. 11, ss. 2.

POWERS OF OFFICERS APPOINTED BY THE BOARD OF AGRICULTURE AND FISHERIES TO INVESTIGATE QUESTIONS *re* WAGES.

Board of Agriculture and Fisheries may appoint officers to investigate wages questions.  
S. 14, ss. (1), (2).

The Board of Agriculture and Fisheries may appoint such Officers as they think necessary for the investigation of complaints and for otherwise securing that Part II. of the Act (*i.e.*, the part which deals with the payment of minimum wages) shall be properly observed.

Any Officer shall act under the directions of the Agricultural Wages Board if the Board of Agriculture and Fisheries so desire.

Officers so appointed shall have power—

(A) To require the production of the wages sheets and other records of wages paid to workmen employed in agriculture, and to inspect and take copies of such sheet and records; and

(B) To require the employer of any such workmen to give any information which it is in his power to give as to the employment of the workmen or the wages paid to them.

Penalty for giving false information.  
S. 14, ss. (3).  
S. 15.

If any person refuses to produce any document or give any information which any Officer requires him to produce or give under this provision, or produces or gives such Officer any document or information which he knows to be false, he shall be liable on summary conviction to a fine not exceeding £20—or imprisonment for a term not exceeding three months, with or without hard labour.

PROVISION OF MONEY.

Provision of money.  
S. 16.

Any expenses incurred by the Board of Agriculture and Fisheries in meeting payments, and any other expenses connected with Agricultural Wages Boards, District Wages Committees, or by other Departments in respect of expenditure made with the consent of the Board of Agriculture and Fisheries, and also any sums paid by way of compensation for loss of time to Members of these Boards, Departments and Committees, are to be defrayed out of money provided by Parliament up to an amount approved by the Treasury:

## CHAPTER 10.

## DEFINITIONS UNDER THE ACT.

The expression "agriculture" includes the use of land as grazing, meadow, or pasture land, orchard, osier-land or woodland, and also market gardens, nursery grounds, and the expression "agricultural" is to be construed in a similar manner.

Agriculture.  
S. 17, ss. (1)  
(a).

From these definitions it appears clear that employees engaged on land of the nature mentioned in the definitions will come within the minimum wages rate under Part II., but as already stated in this Memorandum on page 14 the Government have declared that these minimum wage rates shall not apply to persons engaged on private grounds occupied together with dwelling-houses.

Note on  
private  
gardens.

It would also appear that in terms the restrictions as to raising rents under Part III. of this Act apply to all land as mentioned in the definitions.

It seems clear, however, that Part I. does not apply to a considerable amount of the land mentioned in the definitions unless the present form of cultivation is altered.

The expression "cultivation" includes the use of land for grazing, meadow or pasture, and the expression "cultivate" has a corresponding meaning.

Cultivation.  
S. 17, ss. 1 (b).

This definition is unfortunately somewhat ambiguous; it may be that as Part IV. of the Act (which deals with power to enforce proper cultivation) refers entirely to "cultivation" as given in this definition, the mention of the words "includes use for grazing, meadow or pasture" is intended to automatically shut out the additional classes of land mentioned in the definition of "agriculture" already referred to, namely, "orchard, osier land, or wood land, and also market gardens and nursery grounds," the point is one of much difficulty.

It would be unwise to express a definite opinion on this point, but no doubt at a future date it may be given legal interpretation by the Courts.

**Workmen.** The expression "workmen" includes boys, women and girls. This definition has been more fully dealt with in this Memorandum when dealing with Part II. of the Act on page 14.  
**S. 17, ss. (1)**  
**(c).**

**Employment.** The expression "employment" means employment under a contract of service, or apprenticeship, and the expressions "employer" and "employee" are to be construed in a similar manner.  
**S. 17, ss. (1)**  
**(d).**

**Quarter.** The expression "quarter" means, in the case of wheat, 480 imperial lbs., and in the case of oats, 312 imperial lbs. This definition has been previously referred to in this Memorandum when dealing with Part I. of the Act (see page 11).  
**S. 17, ss. (1)**  
**(e).**

#### SERVICE OF NOTICES UNDER THE CORN PRODUCTION ACT.

**Service of notices.** Any notice under the Act may be served on the person to whom it is to be given either by handing the same to him personally, or by forwarding such notice by registered post.  
**S. 17, ss. (2).**

## CHAPTER 11.

## SPECIAL PROVISIONS AS TO SCOTLAND.

The Board of Agriculture for Scotland is to be substituted for the Board of Agriculture and Fisheries. S. 18 ss. (1) (a).

Section 5, Subsection 1, of the Act, together with the First Schedule (which relates to the establishment of Wages Boards), are not to apply to Scotland, but the provisions of the Second Schedule of the Act (referred to on page 46) are to be deemed to be incorporated in Part II. (*i.e.*, the part of the Act which refers to minimum wages of agricultural workmen). S. 18, ss. (1) (b).

The Agricultural Holdings (Scotland) Act, 1908, is to be substituted for the Agricultural Holdings Act of 1908, and, as already stated on page 34 of this Memorandum, where the Board of Agriculture for Scotland is a party to an arbitration, the Sheriff Principal is in cases of disagreement to appoint the arbitrator instead of the Board of Agriculture and Fisheries. The Sheriff Principal of the Sheriffdom in which the land is situated is to be substituted for the President of the Surveyors' Institution, and the Agricultural Executive Committee and the district thereof are substituted respectively for the War Agricultural Executive Committee constituted under the Defence of the Realm Regulations, and the County and County Boroughs. S. 18, ss. (1) (c). S. 18, ss. (1) (d).

The "Edinburgh Gazette" is to be substituted for the "London Gazette," as mentioned on page 11 of this Memorandum. S. 18, ss. (1) (e).

Part III. of the Act, which deals with the restrictions on raising of agricultural rents, is to have effect subject to and without prejudice to the provisions of the Small Landowners (Scotland) Acts, 1886-1911, and in fixing the rent of a holding the Scottish Land Court shall not take into consideration the operation of the bonus provisions under Part I. of this Act, or the minimum wage provisions under Part II. S. 18, ss. (1) (f).

The provisions of Part IV. of this Act, so far as they refer to the determination of the tenancy, shall not apply to land in the occupation of a landowner or a statutory small tenant under the Small Landowners (Scotland) Acts, 1886-1911. S. 18, ss. (1) (g).

The powers of entering on and taking possession of land, and cultivating the land or adapting it for cultivation, conferred by this Act may, notwithstanding anything which appears in Part IV. of the Act, be exercised in respect of land which is occupied under the Small Landowners (Scotland) Acts, 1886-1911, already mentioned.

S. 18, ss. (1)  
h).

Where a tenant of shootings is, or under the operation of Part IV. of this Act (which deals with powers of enforcing proper cultivation) becomes the only tenant of the land, the owner of the land shall, for the purposes of this Part IV., if the Board of Agriculture for Scotland decide the same by order, be deemed to be the occupier, and the Board's power to suspend any covenant or condition of the contract of tenancy, shall, in such a case, be deemed to include the power to determine the tenancy or any such covenant or condition, and the Board shall have power to make such provision as they think fit for the adjustment of relations between landlord and tenant.

## CHAPTER 12.

## SPECIAL PROVISIONS AS TO IRELAND.

Reference to the Board of Agriculture and Fisheries in this Act shall be construed as reference to the Department of Agriculture and Technical Instruction for Ireland.

A separate Agricultural Wages Board is to be established for Ireland and this Board, when established, is to be substituted for the Agricultural Wages Board mentioned in this Act. S. 18, ss. (2) (a).

The provision as to wages at the rate of at least 25s. a week, and the provision as to the retrospective effect of the minimum rate of wages for able-bodied men, shall not apply, except that the Agricultural Wages Board constituted for Ireland in fixing a minimum rate of wage for able-bodied men, may, if they think proper, direct that this rate fixed by them shall be payable from such earlier date as they may specify, provided, however, that this must not be a date prior to the passing of the Act—21st August, 1917. S. 18, ss. (2) (b).

In the event of such earlier date being specified, the retrospective provision will apply but only from the date which the Agricultural Wages Board shall specify and not from the commencement of the Act.

Where a person other than the occupier was, on the 1st day of September in the year in which wheat or oats were produced, entitled under a contract agreement to the use of the land on which they were produced, this person is to be substituted for the occupier for the purposes of any payment in respect of the bonus provisions under Part I. of the Act. S. 18, ss. (2) (c).

Questions and amounts which are to be determined under Part III. (*i.e.*, the part which deals with restrictions of raising of agricultural rents) or under Part IV. (the part which deals with powers of enforcing proper cultivation) are to be determined by the Irish Land Commission on the application of any person interested, instead of by arbitration. S. 18, ss. (2) (d).

The powers and jurisdiction exercisable by the Land Commission in relation to applications under the Land Law (Ireland) Acts, may be exercised by the Land Commission in relation to any applications which come within this provision.

Part III. of this Act which deals with restrictions as to raising agricultural rents when applied to Ireland shall only S. 18, ss. (2) (e).

have effect subject and without prejudice to the provisions of the Land Law (Ireland) Acts, and in fixing the judicial rent of a holding after the passing of this Act (21st August, 1917) the Court shall not take into consideration either the bonus provisions of Part I. or the minimum wage provisions of Part II. of this Act, in so far as they affect either the holding or tenant.

Proceedings by way of ejectment for non-payment of rent shall be deemed to be proceedings for enforcing payment of rent within the meaning of Part III. of this Act (*i.e.*, the Part which deals with restrictions as to raising of agricultural rents).

S. 18, ss. (2)  
(f).

Part IV. of this Act which deals with powers to enforce proper cultivation, when applied to Ireland shall have effect subject, however, to the following further modifications :—

(1) The powers of entering on and taking possession of land and cultivating land or otherwise dealing with it may be exercised whether the occupier in default is or is not a tenant.

(2) Section 11, Subsection 3, of this Act, which postpones the operation of Part IV. until after the expiration of the war or the 21st August, 1918, shall not apply.

(3) Provisions respecting the determination of tenancies under Part IV. of this Act shall not apply.

For the purposes of enforcing the proper cultivation of land in Ireland, the provisions set out in the Third Schedule of this Act shall have effect as if they were included in Part IV. of the Act itself. These additional provisions are set out on page 69 of this Memorandum.

S. 18, ss. (2)  
(g).

The Dublin Gazette shall be substituted for the London Gazette as mentioned on page 11.

## CHAPTER 13.

## SCHEDULES.

## FIRST SCHEDULE.

THE CONSTITUTION, PROCEEDINGS, ETC., OF THE WAGES  
BOARDS.

Incorporated in this Schedule are Sections 11, 12, 13 and 17 of the Trades Boards Act of 1909.

Under Section 5, Subsection 1, of Part II. of the Corn Production Act, the Board of Agriculture and Fisheries as soon as may be after consulting with the Minister of Labour, will establish an Agricultural Wages Board which shall fix minimum rates of wages for workmen employed in agriculture for time work, and may in so far as they think it necessary and expedient, fix minimum rates of wages for similar workmen if employed in agriculture on piece work. S. 5, ss. (2).

To constitute this Agricultural Wages Board an equal number of representatives to represent employers and workmen are elected or nominated by the Board of Agriculture and Fisheries under their Regulations. Sch. I., s. (11).  
S. (1), ss. (3).

Women as well as men are eligible as members of the Agricultural Wages Board. Sch. I., s.  
(11), ss. (2).

In addition to the members to represent employers and workmen, the Board of Agriculture and Fisheries will appoint further members of the Agricultural Wages Board, but the number of persons appointed by the Board of Agriculture and Fisheries is not to exceed one-fourth of the total number of members of the Agricultural Wages Board. Sch. I.,  
s. (13),  
ss. (1).

The Chairman of the Agricultural Wages Board is to be appointed from the Members of this Wages Board by the Board of Agriculture and Fisheries, and the Secretary of the Agricultural Wages Board is also to be appointed by the Board of Agriculture and Fisheries, but it appears that he need not be a member of the Agricultural Wages Board. Sch. I.  
s. (11),  
ss. 4.

The proceedings of the Agricultural Wages Board shall not be invalidated by any vacancy in their number, or by

Sch. I.,  
s. (11),  
ss. (5).

any defect in the appointment, election or nomination of any member, but in order to constitute a meeting of the Agricultural Wages Board, one-third of the whole number of members representing employers and workmen and at least one appointed member must be present.

Sch. I.,  
s. (11), ss. (6)

The Board of Agriculture and Fisheries may make Regulations as to the proceedings and meetings of the Agricultural Wages Board, including the method of voting, but subject to the provisions of the Corn Production Act and to any Regulations so made by the Board of Agriculture and Fisheries, the Agricultural Wages Board may themselves regulate their proceedings as they think fit.

Sch. I.,  
s. (11),  
ss. (7).

No doubt the Agricultural Wages Board will sit in London and deal with the various recommendations made by the District Wages Committees next referred to.

#### DISTRICT WAGES COMMITTEES.

The Agricultural Wages Boards may appoint District Wages Committees, and if they are required by the Board of Agriculture and Fisheries to appoint such Committees they are compelled to do so.

Sch. I.,  
s. (12),  
ss. (1).

The persons forming these Committees will represent employers and workmen engaged in agriculture, and they will be constituted according to the Regulations made for the purpose by the Board of Agriculture and Fisheries, but the area for which they are to act will be determined by the Agricultural Wages Boards already referred to.

In these Regulations provision is to be made for at least one member of the Agricultural Wages Board or other person nominated by the Board of Agriculture and Fisheries to act on each District Wages Committee, and there is to be equal representation on the District Wages Committees of local employers and local workmen.

Sch. I.,  
s. (12),  
ss. (2).

Although under Subsection 2 of Section 12 at least one member of the Agricultural Wages Board or other person nominated by the Board of Agriculture and Fisheries is to act on each District Wages Committee, under Section 13, Subsection 1, of the same Schedule, it would seem that the Board of Agriculture and Fisheries can appoint as members of such Committee as many persons as they think fit provided that the members appointed by the Board of Agriculture and Fisheries do not exceed one-fourth of the total number of members of the District Wages Committee.

Sch. I.,  
s. (13), ss. (1).

It appears clear also that women are eligible to serve on the District Wages Committee.

After these District Wages Committees have been appointed, the Agricultural Wages Board may refer to them

for their Report and recommendations on any matter which they think it expedient to refer to them, and they also have power to delegate to the District Wages Committee, should they think fit, any of their powers and duties under this Act, other than the powers and duties of fixing minimum rates of wages.

Sch. I.,  
s. (12), ss. (3).

Subject to Regulations made by the Board of Agriculture and Fisheries, the District Wages Committee may be authorised to delegate to a Sub-Committee any of the powers already delegated to the District Wages Committee.

Sch. I.,  
s. (12), ss. (3).

Where a District Wages Committee has been established for any area it shall be the duty of that Committee to recommend to the Agricultural Wages Board the minimum rate of wages applicable to that area, and no such minimum rate of wages fixed under this Act and no variation or cancellation of such rate shall be effective within that area unless either the rate or variation or cancellation thereof (as the case may be) has been recommended by the District Wages Committee, or an opportunity has been given to the Committee to report thereon to the Agricultural Wages Board and the Agricultural Wages Board have considered the report (if any) made by the Committee.

Sch. I.,  
s. (2), ss. (4).

Any officer appointed by the Board of Agriculture and Fisheries under this Act, and any officer of any Government Department who is for the time being assisting in carrying this Act into effect, has power, acting under any special or general instructions issued by the Board of Agriculture and Fisheries, to take proceedings under this Act.

The Agricultural Wages Board may also take any such proceedings in the name of any officer appointed by the Board of Agriculture and Fisheries, who is for the time being acting under the direction of the Agricultural Wages Board in pursuance of this Act, and, further, Agricultural Wages Boards may take proceedings in the name of their Secretary or any of their officers authorised by them.

Sch. I.,  
s. (17), ss. (1).

Any officer appointed by the Board of Agriculture and Fisheries under this Act, or any officer of any Government Department who is for the time being assisting in carrying this Act into effect, and the Secretary of the Agricultural Wages Board, or any officer of the Agricultural Wages Board who is authorised for the purpose, may, although he is not a Counsel or Solicitor or Law Agent, prosecute or conduct before a Court of summary jurisdiction, any proceedings which arise under this Act.

Sch. I.,  
s. (17), ss. (1).

#### SPECIAL PROVISIO AS TO IRELAND.

In applying this First Schedule to Ireland, whenever reference is made to the Board of Agriculture and Fisheries,

it shall be construed as reference to the Department of Agriculture and Technical Instruction for Ireland, and further any reference to the Agricultural Wages Board shall be construed as reference to the Agricultural Wages Board for Ireland.

## SECOND SCHEDULE.

### CONSTITUTION OF AGRICULTURAL WAGES COMMITTEES IN SCOTLAND.

This Schedule deals with the constitution of Agricultural Wages Committees in **Scotland**, and such Schedule is deemed to be incorporated in Part II. of this Act, *i.e.*, the part which deals with the minimum rates for agricultural wages, referred to on page 14 of this Memorandum.

The method of appointing these Agricultural Wages Committees in Scotland is set out in the Second Schedule to this Act, as already stated, and is printed on page 67 of this Memorandum, and reference is made to this Schedule for those who wish for full information as to how such Agricultural Wages Committees are to be constituted.

## THIRD SCHEDULE.

This Schedule, which is printed on page 69 of this Memorandum, deals with additional provisions for the enforcement of proper cultivation of land in **Ireland**, and reference is made thereto as to the particular methods to be adopted under the Corn Production Act.

# CORN PRODUCTION ACT, 1917

[7 & 8 Geo. 5. Ch. 46.]

## ARRANGEMENT OF SECTIONS.

### PART I.

#### MINIMUM PRICE OF WHEAT AND OATS.

Section.

1. Payments to growers where average price of wheat or oats is less than minimum.
2. Minimum price and average price.
3. Claims for payment.

### PART II.

#### AGRICULTURAL WORKMEN (MINIMUM WAGE).

4. Minimum rate for agricultural wages.
5. Establishment of Wages Board.
6. Complaints as to inadequate payment for piece-work where no minimum piece-rate has been fixed.
7. Complaints as to infraction of minimum rates of wages.

### PART III.

#### RESTRICTION ON RAISING OF AGRICULTURAL RENTS

8. Rents not to be raised in consequence of Act.

### PART IV.

#### POWER TO ENFORCE PROPER CULTIVATION.

9. Power to enforce proper cultivation.
10. Protection of crops, &c., from damage by rabbits and vermin.
11. General provisions applicable to Part IV.

## PART V.

## GENERAL.

Section.

12. Regulations.
13. Powers of entry and inspection.
14. Appointment and powers of officers.
15. Power to require agricultural returns.
16. Provision of money.
17. Definitions, &c.
18. Application to Scotland and Ireland.
19. Short title and duration.

## SCHEDULES.

## CHAPTER 46.

An Act for encouraging the production of Corn, and for purposes connected therewith (including provision as to Agricultural Wages and Rents).

(21st August 1917.)

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

## PART I.

## MINIMUM PRICE OF WHEAT AND OATS.

Payments  
to growers  
where ave-  
rage price  
of wheat or  
oats is less  
than  
minimum.

1.—If the average price for the wheat or oats of any year for which a minimum price is fixed under this Act, as ascertained for the purpose of this Part of this Act, is less than the minimum price as fixed by this Act, the occupier of any land on which wheat or oats have been produced in that year shall be entitled to be paid by the Board of Agriculture and Fisheries in respect of each acre on which he proves to the satisfaction of the Board that wheat or oats have been so produced, a sum equal in the case of wheat to four times, and in the case of oats to five times, the difference between the average price and the minimum price per quarter :

Provided that—

(a) if it appears to the Board in respect of any land on which wheat or oats have been produced that the wheat or oats were intermixed with any other crop, the amount payable in respect of that land shall be adjusted accordingly in such manner as the Board think proper ; or

(b) if it appears to the Board that any such land has been negligently cultivated, the Board may either withhold altogether the payments to which the occupier would otherwise have been entitled or may diminish the amount of those payments to such extent as the Board think proper to meet the circumstances of the case.

2.—(1) The following minimum prices shall be fixed for the wheat and oats of the following years :—

| Crop for Year.                                         | Wheat Price, per quarter.    | Oats Price, per quarter.         | Minimum price and average price. |
|--------------------------------------------------------|------------------------------|----------------------------------|----------------------------------|
| 1917<br>1918 }<br>1919 }<br>1920 }<br>1921 }<br>1922 } | 60s.<br><br>55s.<br><br>45s. | 38s. 6d.<br><br>32s.<br><br>24s. |                                  |

(2) The average price for the wheat or oats of any year shall for the purposes of this Part of this Act be taken to be the average price for the seven months beginning on the first day of September in that year ascertained by adding together the weekly averages of the weeks included in those seven months, and dividing the total by the number of weeks.

For the purposes of this provision, the weekly averages for any week shall be taken to be the average price per quarter for that week of wheat or oats, as the case may be, ascertained in accordance with the Corn Returns Act, 1882.

(3) The Board of Agriculture and Fisheries shall, as soon as may be after the end of March in any year, cause the average price of wheat and oats for the preceding year, as ascertained under this section, to be published in the London Gazette.

45 & 46 Vict.  
c. 37.

3.—(1) The person who was, on the first day of September in the year in which the wheat or oats were produced, the occupier of the land on which they were produced shall be deemed to be the occupier entitled to receive any payments under this Part of this Act :

Claims for  
payment.

Provided that when there has been any change in the occupation of the land on which the wheat or oats were produced then—

(a) if the outgoing tenant is under any custom or otherwise entitled to harvest any wheat or oats grown

on the land the outgoing tenant shall in lieu of the incoming tenant or the landlord be entitled to receive any payments under this Part of this Act in respect of the wheat or oats ; and

(b) if the outgoing tenant is under any custom or otherwise entitled to receive compensation from his landlord or the incoming tenant in respect of the wheat or oats as for an away-going crop or otherwise, the right of the landlord or incoming tenant to receive payments under this Part of this Act in respect of the wheat or oats shall be taken into account in the assessment of the compensation so payable.

(2) All claims for payments under this Part of this Act shall be made to and determined by the Board of Agriculture and Fisheries in accordance with regulations made under this Act, and the decision of the Board shall be final and conclusive for all purposes :

Provided that if at any time it is found that a payment has been obtained or payment in excess of the amount properly payable has been obtained, by means of any false statement or false representation, the person to whom the payment was made shall, without prejudice to any criminal liability in respect of any false statement or false representation, be liable to pay the Board the amount of such payment or excess, and any such amount may, without prejudice to the recovery thereof as a debt due to the Crown, be recovered by the Board summarily as a civil debt.

(3) If for the purpose of obtaining a payment under this Part of this Act, either for himself or for any other person, any person makes any false statement or false representation, he shall be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding six months, or to a fine not exceeding fifty pounds, unless he proves that he did not know and could not with reasonable diligence have ascertained that the statement or representation was false.

## PART II.

### AGRICULTURAL WORKMEN (MINIMUM WAGE).

4.—(1) Any person who employs a workman in agriculture shall pay wages to the workman at a rate not less than the minimum rate as fixed under this Act and applicable to the case, and if he fails to do so, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds, and to a fine not exceeding one pound for each day on which the offence is continued after conviction therefor :

Minimum  
rate for  
agricultural  
wages.

Provided that such a person shall not be liable to be so convicted if he proves that he did not know and could not with reasonable diligence have ascertained that the wages paid were less than the wages required under this Act to be paid.

(2) In any proceedings against an employer under this section the court may, whether there is a conviction or not, order the employer to pay, in addition to the fine, if any, such sum as appears to the court to be due to the workman employed on account of wages, the wages being calculated at the minimum rate ; but the power to order the payment of wages under this provision shall not be in derogation of any right of the workman to recover wages by any other proceedings.

(3) Any agreement for the payment of wages in contravention of this section, or for abstaining to exercise any right of enforcing the payment of wages in accordance with this section, shall be void.

(4) The provisions of this section as to payment of wages at a minimum rate shall operate as respects able-bodied men as from the commencement of this Act (although a minimum rate of wages may not have been fixed), but only so as to enable any sum which would have been payable under this section to an able-bodied man on account of wages for time-work if a minimum rate for able-bodied men had been fixed to be recovered by the workman from his employer at any time not exceeding three months after the rate is fixed :

Provided that no sum shall be recoverable under this provision except in a case in which and to the extent to which the wages paid have not, in the opinion of the court, been equivalent to wages for an ordinary day's work at the rate of twenty-five shillings a week.

5.—(1) The Board of Agriculture and Fisheries shall, as soon as may be and after consultation with the Minister of Labour, establish an Agricultural Wages Board : and such of the provisions of the Trade Boards Act, 1909, as are set out (with modifications) in the First Schedule to this Act shall be deemed to be incorporated in this Part of this Act.

Establishment of  
Wages  
Board.

9 Edw. 7.  
c. 22.

(2) The Agricultural Wages Board shall fix minimum rates of wages for workmen employed in agriculture for time-work, and may also, if and so far as they think it necessary or expedient, fix minimum rates of wages for workmen employed in agriculture for piece-work.

(3) Any such minimum rates may be fixed so as to apply universally to workmen employed in agriculture, or to any special class of workmen in agriculture, or to any special

area, or to any special class in a special area, subject in each case to any exceptions which may be made by the Agricultural Wages Board for employment of any special character, and so as to vary according as the employment is for a day, week, month, or other period, or according to the number of working hours or the conditions of the employment, or so as to provide for a differential rate in the case of overtime :

Provided that if the Agricultural Wages Board are satisfied that any workman employed or desiring to be employed on time-work to which a minimum rate fixed by the Board is applicable is affected by any mental or other infirmity or physical injury which renders him incapable of earning that minimum rate, the Board may grant to the workman, subject to such conditions, if any, as they prescribe, a permit exempting the employment of the workman from the provisions of this Act requiring wages to be paid at not less than the minimum rate, and while the permit is in force an employer shall not be liable to any penalty for paying wages to the workman at a rate less than the minimum rate so long as any conditions prescribed by the Board on the grant of the permit are complied with.

(4) Before fixing any minimum rate of wages, the Agricultural Wages Board shall give notice of the rate which they propose to fix, and consider any objections to the rate which may be lodged with them within one month ; and the Board shall give notice of any minimum rates fixed by them in such manner as they think fit with a view to bringing the minimum rates, so far as practicable, to the knowledge of the persons affected.

(5) The Agricultural Wages Board may, if they think it expedient, cancel or vary any minimum rate fixed by them, and shall reconsider any such minimum rate if the Board of Agriculture and Fisheries direct them to do so, whether an application is made for the purpose or not ; and the provisions of this section as to notices shall apply where it is proposed to cancel or vary the minimum rate in the same manner as they apply where it is proposed to fix the minimum rate.

(6) In fixing minimum rates under this section, the Agricultural Wages Board shall, so far as practicable, secure for able-bodied men wages which, in the opinion of the Board, are adequate to promote efficiency and to enable a man in an ordinary case to maintain himself and his family in accordance with such standard of comfort as may be reasonable in relation to the nature of his occupation.

(7) In fixing minimum rates for time-work under this section, the Agricultural Wages Board shall secure for able-bodied men wages which, in their opinion, are equivalent

to wages for an ordinary day's work at the rate of at least twenty-five shillings a week.

(8) Nothing in this Part of this Act shall prejudice the operation of any agreement entered into or custom existing before the passing of this Act for the payment of wages at a rate higher than the minimum rate fixed under this Part of this Act.

(9) In this Part of this Act the expression "able-bodied man" means any male workman who is not incapable, by reason of age or mental or other infirmity or physical injury, of performing the work of a normally efficient workman.

6.—Any workman employed in agriculture on piece-work for which no minimum piece-rate has been fixed, or any person authorised by such a workman, may complain to the Agricultural Wages Board that the piece-rate of wages paid to the workman for that work is such a rate as would yield in the circumstances of the case to an ordinary workman a less amount of wages than the minimum time-rate applicable in the case of that workman, and the Board may on any such complaint direct that the employer shall pay to the workman such additional sum by way of wages for any piece-work done by him at that piece-rate at any time within fourteen days before the date of complaint, or at any time after the date of complaint and before the decision of the Board thereon, as in the opinion of the Board represents the difference between the amount which would have been paid if the work had been done by an ordinary workman at the minimum time-rate and the amount actually received by the workman making the complaint, and any sum so directed to be paid may be recovered by the workman from the employer summarily as a civil debt.

Complaints as to inadequate payment for piece-work where no minimum piece-rate has been fixed.

7.—Any workman employed in agriculture, or any person authorised by a workman so employed, may complain to the Agricultural Wages Board that the wages paid to the workman by any employer are at a rate less than the minimum rate applicable in the case of that workman, and the Board shall consider the matter, and may, if they think fit, take any proceedings under this Act on behalf of the workman.

Complaints as to infraction of minimum rates of wages.

### PART III.

#### RESTRICTION ON RAISING OF AGRICULTURAL RENTS.

8.—(1) The rent payable under any contract of tenancy made or varied after the passing of this Act in respect of an agricultural holding shall, notwithstanding any agreement to the contrary, not exceed such rent as could have been

Rents not to be raised in consequence of Act.

obtained if Part I. of this Act had not been in force, and any question as to whether the rent payable under such a contract is in excess of the rent permitted by this section or as to the amount of the excess shall be determined by a single arbitrator under and in accordance with the provisions of the Second Schedule to the Agricultural Holdings Acts, 1908 :

S. Edw. 7  
c. 28.

Provided that the rent payable under a contract of tenancy shall not be deemed to be in excess of that permitted under this section unless notice in writing requiring the question to be referred to arbitration has been served on the landlord within one year from the commencement or variation of the tenancy.

(2) If on any such arbitration it is determined that the rent payable under the contract of tenancy is in excess of the amount permitted under this section, the contract shall, as from the commencement or variation of the tenancy, have effect as if the rent payable under the contract was reduced by the amount of the excess.

(3) This section shall not affect any proceedings by a landlord for enforcing payment of any rent except so far as the rent has before the commencement of such proceedings been determined in manner hereinbefore provided to be in excess of the rent permitted by this section, but any rent in excess of the rent permitted by this section which is paid or recovered before the award of the arbitrator shall be recoverable by the tenant from the landlord by way of deduction from rent or otherwise.

(4) In this section expressions have the same meaning as in the Agricultural Holdings Act, 1908.

#### PART IV.

##### POWER TO ENFORCE PROPER CULTIVATION.

Power to  
enforce  
proper culti-  
vation.

9.—(1) The Board of Agriculture and Fisheries, if in any case they are of opinion—

(a) that any land is not being cultivated according to the rules of good husbandry ; or

(b) that for the purpose of increasing in the national interest the production of food the mode of cultivating any land or the use to which any land is being put should be changed ;

may serve notice on the occupier of the land requiring him to cultivate the land in accordance with such directions as the Board may give for securing that the cultivation shall be according to the rules of good husbandry or for securing

the necessary change in the mode of cultivating or in the use of the land, as the case may be, and where compliance with any such directions, in the case of land in the occupation of a tenant, involves any breach of or non-compliance with any covenant or condition of the contract of tenancy, the Board may in the same or any subsequent notice so served direct that any such covenant or condition, so far as it interferes with compliance with such directions, shall be suspended, and may provide for securing to the landlord such payments or other benefits (if any) as the Board think just on account of any profit or benefit derived or expected to be derived by the tenant by reason of the suspension of the covenant or condition, and any such provision of the notice shall have effect as if it was contained in the contract of tenancy :

Provided that if any person on whom any notice is served under this section is aggrieved by the notice, he may within the prescribed time require the question whether the land has been cultivated according to the rules of good husbandry, or whether it is undesirable in the interest of food production that the change should apply to any portion of the land included in the notice, to be referred to arbitration in accordance with this Part of this Act, and where any question is so referred to arbitration no action shall be taken for enforcing the directions given by the Board until the determination of the reference or except in accordance with the terms of the award, and, where the person on whom any notice is served is a tenant, the landlord shall have the same right as the tenant of requiring any question to be referred to arbitration.

(2) Where any notice is served on a tenant, a copy of the notice shall at the same time be served on the landlord.

(3) If, in the opinion of the Board, the occupier fails to cultivate the land in accordance with directions so given, the Board, after the prescribed notice, may, if the occupier in default is a tenant, make such order as seems to them required in the circumstances, either authorising the landlord to determine the tenancy of the holding, or determining the tenancy by virtue of the order, and, if the occupier in default is not a tenant, enter on and take possession of the land, or of the holding of which it forms part, for such time, and (either themselves or by any person authorised by them) do all such things, as appear to the Board necessary or desirable for the cultivation of the land of which possession has been taken, or for adapting such land for cultivation.

Any such order of the Board may contain such provisions as the Board think fit for adjusting the relations of landlord and tenant where the tenancy is determined ; and any such

provision of the order shall have effect as if it was contained in the contract of tenancy.

(4) If, within three months after the Board have entered on any land, the person who was in occupation of the land at the time of the entry so requires, a record of the condition of the buildings, fences, gates, roads, drains, ditches, and cultivation of the land shall be made within three months after the date of the requisition by a person to be appointed, in default of agreement, by the President of the Surveyors' Institution ; and in default of agreement, the cost of making such record shall be borne by the Board and the person so previously in occupation in equal portions.

(5) Where the Board have entered on any land under this provision they may, after the prescribed notice, let the land, or, with the consent of the owner, any part thereof, for any term not exceeding five years on such terms and conditions as the Board think fit, and at the best rent that, having regard to such terms and conditions, can reasonably be obtained :

Provided that—

(a) before any contract of tenancy is executed by the Board under this provision a draft thereof shall be sent to the owner of the land and a reasonable opportunity afforded him of objecting to any provision therein ; and

(b) a copy of the contract of tenancy shall be sent to such owner as soon as possible after its execution.

(6) Any notice given by the Board of Agriculture and Fisheries for the purposes of this section, which directs the suspension of any covenant or condition, shall be a sufficient defence to any action or other proceeding in respect of any breach of, or non-compliance with, the covenant or condition so far as the breach or non-compliance is authorised by the notice of suspension.

(7) If, at any time after a contract of tenancy of any land has been created by the Board, the owner of the land requires the Board to withdraw, the Board shall so withdraw as soon as reasonably may be.

(8) When the Board at any time withdraw from possession of any land of which they have taken possession under this section—

(a) they shall before withdrawing (except where the withdrawal is required by the owner of the land) give the prescribed notice in writing of their intention to the person then entitled to resume occupation of the land, and such notice shall be given not less than three months previously to the withdrawal by the Board, and

shall expire on one of the half-yearly days customary in the district where the land is situate; and

(b) they may recover from the person then entitled to resume occupation of the land such amount as represents the value to him of all acts of cultivation or adaptation for cultivation executed by the Board; and

(c) the land shall be subject to any tenancy created by the Board in like manner as if the tenancy had been created by the person who would but for the tenancy have been entitled to resume occupation of the land.

(9) Any person who is interested in any land in respect of which any notice is served or order made under this section or of which possession is taken under this section, and who suffers any loss by reason of the exercise of the powers conferred by this section shall, if he makes a claim for the purpose before the expiration of such period, not being less than one year, after the exercise of the powers as may be prescribed by the Board, be entitled to be paid by the Board such amount or amounts by way of periodical payments or otherwise as may represent the loss.

(10) The amount recoverable or payable by the Board under subsection (8) or subsection (9) of this section shall be determined in each case in default of agreement by arbitration under this Part of this Act.

**10.—(1)** The Board of Agriculture and Fisheries may in any case where they are satisfied that crops, trees or pasturage are being damaged by reason of the failure of an occupier of land to destroy sufficiently the rabbits or vermin on the land in his occupation, after giving to the occupier and owner such opportunity of destroying the rabbits or vermin as in the opinion of the Board is reasonable, authorise in writing any person to enter on the land and kill and take the rabbits or vermin thereon, and the Board may recover from the occupier, summarily as a civil debt, the net cost incurred by the Board in connection with the action so taken.

Protection of  
crops, &c.,  
from damage  
by rabbits  
and vermin.

(2) Any person acting under an authority given by the Board under this section shall, if so required, produce his authority, and if any person obstructs any person so authorised in the exercise of his powers or duties under this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(3) The person entitled to kill rabbits or vermin on any common land shall for the purpose of this section be deemed to be the occupier of the land.

General provisions applicable to Part IV.

**11.**—(1) Arbitrations under this Part of this Act shall be before a single arbitrator under and in accordance with the provisions of the Second Schedule to the Agricultural Holdings Act, 1908: Provided that the arbitrator shall be nominated, in default of agreement, by the President of the Surveyors' Institution.

(2) The Board may, with respect to any area consisting of one or more counties or county boroughs, authorise any body of persons constituted in the prescribed manner, to exercise on behalf of the Board, subject to such appeal to the Board as may be prescribed, any of the powers of the Board under this Part of this Act, and may if they think fit prescribe the procedure and the method of authentication of any notice or other instrument issued by any such body: Provided that the regulations shall provide that the body so constituted shall in the first instance consist of or comprise the persons who immediately before this Part of this Act comes into operation were acting as members of the War Agricultural Executive Committees, if any, constituted under the Defence of the Realm Regulations for the counties and county boroughs comprised in the area.

(3) The powers under the Defence of the Realm regulations exercisable by the Board of Agriculture and Fisheries with a view to maintaining the food supply of the country with respect to the matters dealt with in this Part of this Act shall cease to operate at the expiration of one year from the passing of this Act, or at the termination of the present war, whichever is the earlier, and thereupon this Part of this Act shall come into operation.

(4) In this Part of this Act the expression "prescribed" means prescribed by regulations made by the Board.

## PART V.

### GENERAL.

Regulations.

**12.**—(1) The Board of Agriculture and Fisheries shall, in addition to any special power to make regulations given to them under this Act, have power to make regulations generally for the purposes of carrying this Act into effect, and in particular—

(a) for prescribing the manner in which claims for payment under Part I. of this Act are to be made, and the evidence to be required in support of any such claim; and

(b) for requiring the Agricultural Wages Board to define the benefits or advantages (not being benefits or

advantages prohibited by law) which may be reckoned as payment of wages in lieu of payment in cash, and the value at which they are to be so reckoned, and for enabling the Agricultural Wages Board to limit or prohibit the reckoning of benefits or advantages as payment of wages in lieu of cash, and for enabling the Agricultural Wages Board, on the application of any employer or workman, to determine any question which may arise as to the value of any such benefits or advantages, or generally as to any contract of employment so far as the application of the provisions of this Act thereto is concerned : and

(c) for requiring the Agricultural Wages Board to define for the purposes of any differential rate for overtime the employment which is to be treated as overtime employment.

(2) Any regulation made under this Act shall be laid before each House of Parliament forthwith, and if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

13.—Any person authorised in that behalf by the Board of Agriculture and Fisheries, or by any body of persons exercising any powers of the Board on their behalf, may, for the purpose of carrying this Act into effect, on the production (if so required) of his authority, enter on and inspect any land. The occupier shall in all such cases be served with notice of the date on which the inspection is to take place.

Powers of entry and inspection.

If any person prevents or obstructs the entry, for the purpose of this Act, upon any land of any person authorised under this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

14.—(1) The Board of Agriculture and Fisheries may appoint such officers as they think necessary for the purpose of investigating complaints and otherwise securing the proper observance of Part II. of this Act, and any officer so appointed shall, if the Board of Agriculture and Fisheries so determine, act under the directions of the Agricultural Wages Board.

Appointment and powers of officers.

(2) Any officer so appointed shall have power—

(a) to require the production of and to inspect and take copies of wages sheets or other records of wages paid to workmen employed in agriculture ;

(b) to require the employer of any such workman to give any information which it is in his power to give with respect to the employment of the workman or the wages paid to him.

(3) If any person refuses to produce any document or give any information which any officer requires him to produce or give under this section, or produces or gives to any officer acting in the exercise of the powers given by this section, any document or information knowing the same to be false, he shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months with or without hard labour.

Power to  
require  
agricultural  
returns.

15.—(1) The Board of Agriculture and Fisheries may, in order to obtain such information as is necessary for the purpose of the proper exercise by the Board of their powers under this Act, by notice served on the occupier of any agricultural land or the person having the management of any such land, require him to make, within such time and in such form and to such person as the Board may prescribe, a return in writing with respect to the cultivation of that land, the crops and live stock thereon, and the owner thereof.

(2) No individual return or part of a return made under this section shall be published or disclosed except for the purposes of a prosecution or other proceedings under this Act.

(3) If any person—

(a) refuses or without lawful excuse neglects to make a return under this section to the best of his knowledge and belief; or

(b) makes or causes to be made a return which is false in any particular; or

(c) discloses or publishes contrary to the provisions of this section any individual return, or part of a return;

he shall be liable on summary conviction to a fine not exceeding twenty pounds, or, if the court is of opinion that the offence was committed wilfully, to imprisonment, with or without hard labour, for a period not exceeding three months.

Provision of  
money.

16.—Any expenses incurred by the Board of Agriculture and Fisheries in meeting payments under this Act, and any expenses of that Board or of any other Department or body to whom any powers or duties are entrusted under or in pursuance of this Act, and any expenses of the Agricultural Wages Board or any district committees thereof, including any expenses incurred with the consent of the Board of Agriculture and Fisheries by any members thereof in the

performance of their duties, and any sums paid with such consent to any such members by way of compensation for loss of time, in each case, up to an amount approved by the Treasury, shall be defrayed out of moneys provided by Parliament.

17.—(1) For the purposes of this Act—

(a) the expression “agriculture” includes the use of land as grazing, meadow, or pasture land, or orchard, or osier land, or woodland, or for market gardens or nursery grounds, and the expression “agricultural” shall be construed accordingly; and Definitions,  
&c.

(b) the expression “cultivation” includes use for grazing, meadow, or pasture; and the expression “cultivate” has a corresponding meaning; and

(c) the expression “workmen” includes, boys, women, and girls; and

(d) the expression “employment” means employment under a contract of service or apprenticeship, and the expressions “employ” and “employer” shall be construed accordingly; and

(e) the expression “quarter” means, in the case of wheat, four hundred and eighty imperial pounds, and in the case of oats three hundred and twelve imperial pounds.

(2) Any notice under this Act may be served on the person to whom it is to be given either personally or by registered post.

18.—(1) This Act shall apply to Scotland with the following modifications:—

(a) The Board of Agriculture for Scotland shall be substituted for the Board of Agriculture and Fisheries;

(b) Subsection (1) of the section of this Act relating to the establishment of a Wages Board shall not apply to Scotland, and in lieu thereof the provisions contained in the Second Schedule of this Act shall be deemed to be incorporated in Part II. of this Act;

(c) The Agricultural Holdings (Scotland) Act, 1908, shall be substituted for the Agricultural Holdings Act, 1908: Application  
to Scotland  
and Ireland.  
s Edw. 7.  
c. 64.

Provided that where under this Act the Board of Agriculture for Scotland is a party to an arbitration, the sheriff principal of the sheriffdom in which the land affected is situate shall, in the Second Schedule to the first-mentioned Act, be substituted for the Board;

(d) The sheriff principal of the sheriffdom in which the land affected is situate shall be substituted for the President of the Surveyors' Institution, and an agricultural executive committee and the district thereof shall, respectively, be substituted for a war agricultural executive committee constituted under the Defence of the Realm Regulations, and a county or county borough ;

(e) The Edinburgh Gazette shall be substituted for the London Gazette ;

(f) Part III. of this Act shall have effect subject to and without prejudice to the provisions of the Small Landholders (Scotland) Acts, 1886 to 1911, and in fixing the rent of a holding the Scottish Land Court shall not take into consideration the operation of Part I. or Part II. of this Act :

(g) The provisions of Part IV. of this Act with respect to the determination of tenancies shall not apply to land in the occupation of a landholder or a statutory small tenant under the Small Landholders (Scotland) Acts, 1886 to 1911, but the powers of entering on and taking possession of land and cultivating the land, or adapting it for cultivation, conferred by this Act may, not withstanding anything in Part IV. of this Act, be exercised in respect of land in such occupation ; and

(h) Where a tenant of shootings is, or under the operation of Part IV. of this Act becomes, the only tenant of land, the owner of the land shall for the purposes of the said Part IV., if the Board of Agriculture for Scotland so by order decide, be deemed to be the occupier thereof, and the Board's power to suspend any covenant or condition of the contract of tenancy shall in such case be deemed to include a power to determine the tenancy or any such covenant or condition and to make such provisions as the Board think fit for the adjustment of the relations of landlord and tenant.

(2) This Act shall apply to Ireland with the following modifications :—

(a) References to the Board of Agriculture and Fisheries shall be construed as references to the Department of Agriculture and Technical Instruction for Ireland ;

(b) A separate Agricultural Wages Board shall be established for Ireland ; and the separate Board so established shall be substituted for the Agricultural Wages Board ; the provision as to wages at the rate

of at least twenty-five shillings a week, and the provisions as to the retrospective effect of a minimum rate of wages for able-bodied men shall not apply, except that the Agricultural Wages Board for Ireland in fixing a minimum rate of wages for able-bodied men may, if they think proper, direct that the rate so fixed shall operate as from such earlier date as may be specified by them, not being a date prior to the passing of this Act, and in that event the last-mentioned provisions shall apply as respects that rate with the substitution of a reference to the date so specified for the reference to the commencement of this Act ;

(c) Where a person other than the occupier was, on the first day of September in the year in which wheat or oats were produced, entitled under a conacre agreement to the use of the land on which they were produced, that person shall be substituted for the occupier for the purpose of any payments in respect of the wheat or oats under Part I. of this Act ;

(d) Questions and amounts requiring to be determined for the purposes of Part III. or Part IV. of this Act shall be determined by the Irish Land Commission on the application of any person interested instead of by arbitration, and the powers and jurisdiction exercisable by the Land Commission in relation to applications under the Land Law (Ireland) Acts may be exercised by the Land Commission in relation to any applications under this provision ;

(e) Part III. of this Act in its application to Ireland shall have effect subject and without prejudice to the provisions of the Land Law (Ireland) Acts, and, in fixing the judicial rent of a holding after the passing of this Act, the court shall not take into consideration the operation of Part I. or Part II. of this Act as respects the holding or tenant. Proceedings by way of ejectment for non-payment of rent shall be deemed to be proceedings for enforcing payment of rent within the meaning of Part III. of this Act ;

(f) Part IV. of this Act in its application to Ireland shall have effect subject to the following further modifications :—

(i) the powers of entering on and taking possession of land and cultivating the land or otherwise dealing with it may be exercised whether the occupier in default is or is not a tenant ;

(ii) the provisions of subsection (3) of section eleven shall not apply ; and

(iii) the provisions with respect to the determination of tenancies shall not apply ;

For the purpose of enforcing proper cultivation of land in Ireland the additional provisions set out in the Third Schedule to this Act shall have effect as if they were included in Part IV. of this Act ;

(g) The Dublin Gazette shall be substituted for the London Gazette.

Short title  
and dura-  
tion.

19.—(1) This Act may be cited as the Corn Production Act, 1917.

(2) This Act shall, except as otherwise provided, come into operation at the date of the passing of this Act and shall continue in force until the end of the year nineteen hundred and twenty-two, and no longer, unless meanwhile Parliament makes provision for the continuation thereof, but the expiration of this Act shall not affect the right to any payments under Part I. of this Act in respect of wheat and oats of that year or any previous year, or any rights, privileges, obligations, or liabilities acquired, accrued, or incurred under this Act before the date of the expiration thereof, or any penalty, forfeiture, or punishment incurred in respect of any offence committed under this Act before that date, or in respect of any statement or representation made in connection with a claim under this Act, whether the statement, representation, or claim was made before or after that date

## SCHEDULES.

## FIRST SCHEDULE.

SECTIONS 11, 12, 13, AND 17 OF THE TRADE BOARDS ACT, S. 5 (1).  
1909.

*Constitution, Proceedings, &c., of Wages Board.*

11.—(1) The Board of Agriculture and Fisheries may make regulations with respect to the constitution of the Agricultural Wages Board, which shall consist of members representing employers and members representing workmen (in this Act referred to as representative members) in equal proportions and of the appointed members.

Constitution  
and proceed-  
ings of the  
Agricultural  
Wages  
Board.

\* \* \* \* \*

(2) Women shall be eligible as members of the Agricultural Wages Board as well as men.

(3) The representative members shall be elected or nominated by the Board of Agriculture and Fisheries or otherwise, or partly elected and partly so nominated, as may be provided by the regulations.

\* \* \* \* \*

(4) The chairman of the Agricultural Wages Board shall be such one of the members as the Board of Agriculture and Fisheries may appoint, and the secretary of the Agricultural Wages Board shall be appointed by the Board of Agriculture and Fisheries.

(5) The proceedings of the Agricultural Wages Board shall not be invalidated by any vacancy in their number, or by any defect in the appointment, election, or nomination of any member.

(6) In order to constitute a meeting of the Agricultural Wages Board, at least one-third of the whole number of the representative members and at least one appointed member must be present.

(7) The Board of Agriculture and Fisheries may make regulations with respect to the proceedings and meetings of the Agricultural Wages Board, including the method of voting; but subject to the provisions of this Act and to any regulations so made the Agricultural Wages Board may regulate their proceedings in such manner as they think fit.

12.—(1) The Agricultural Wages Board may, and if so required by the Board of Agriculture and Fisheries shall, establish district wages committees consisting, subject as hereinafter provided, of persons representing employers or

Establish-  
ment of  
district  
wages com-  
mittees.

workers engaged in agriculture and constituted in accordance with regulations made for the purpose by the Board of Agriculture and Fisheries, and acting for such area as the Agricultural Wages Board may determine.

(2) Provision shall be made by the regulations for at least one member of the Agricultural Wages Board or other person nominated by the Board of Agriculture and Fisheries acting as a member of each district wages committee, and for the equal representation of local employers and local workmen on the committee.

\* \* \* \* \*

(3) The Agricultural Wages Board may refer to a district wages committee for their report and recommendations any matter which they think it expedient so to refer, and may also, if they think fit, delegate to a district wages committee any of their powers and duties under this Act other than their power and duty to fix minimum rates of wages, and, subject to regulations made by the Board of Agriculture and Fisheries, authorise any such district wages committee to delegate to a sub-committee thereof any of the powers so delegated to the committee.

(4) Where a district wages committee has been established for any area, it shall be the duty of the committee to recommend to the Agricultural Wages Board, minimum rates of wages . . . applicable to . . . that area, and no such minimum rate of wages fixed under this Act, and no variation or cancellation of such a rate, shall have effect within that area unless either the rate or the variation or cancellation thereof, as the case may be, has been recommended by the district wages committee, or an opportunity has been given to the committee to report thereon to the Agricultural Wages Board, and the Agricultural Wages Board have considered the report (if any) made by the committee.

Appointed  
members of  
the Agricultural  
Wages  
Board

13.—(1) The Board of Agriculture and Fisheries may appoint such number of persons (including women) as they think fit to be appointed members of the Agricultural Wages Board or to act as members of district wages committees: Provided that the number of persons so appointed shall not exceed one quarter of the total number of members of the Agricultural Wages Board or of any district wages committee.

\* \* \* \* \*

Power to  
take and  
conduct pro-  
ceedings.

17.—(1) Any officer appointed by the Board of Agriculture and Fisheries under this Act, and any officer of any Government Department for the time being assisting in

carrying this Act into effect, shall have power in pursuance of any special or general directions of the Board of Agriculture and Fisheries to take proceedings under this Act, and the Agricultural Wages Board may also take any such proceedings in the name of any officer appointed by the Board of Agriculture and Fisheries for the time being acting under the directions of the Agricultural Wages Board in pursuance of this Act, or in the name of their secretary or any of their officers authorised by them.

(2) Any officer appointed by the Board of Agriculture and Fisheries under this Act, or any officer of any Government Department for the time being assisting in carrying this Act into effect, and the secretary of the Agricultural Wages Board, or any officer of the Agricultural Wages Board authorised for the purpose, may, although not a counsel or solicitor or law agent, prosecute or conduct before a court of summary jurisdiction any proceedings arising under this Act.

\* \* \* \* \*

In the application of this Schedule to Ireland, references to the Board of Agriculture and Fisheries shall be construed as references to the Department of Agriculture and Technical Instruction for Ireland, and references to the Agricultural Wages Board shall be construed as references to the Agricultural Wages Board for Ireland.

## SECOND SCHEDULE.

### CONSTITUTION OF AGRICULTURAL WAGES COMMITTEES IN S. 18 (1) (b). SCOTLAND.

1. The Board of Agriculture for Scotland (in this Schedule referred to as the Board) may from time to time divide Scotland into districts and combinations of districts, and fix such districts and combinations for the purposes of this Schedule.

2. Where and so long as the Board are satisfied that in any district fixed by them a representative joint committee, comprising a chairman and representatives of employers of agricultural labour and of workmen employed in agriculture in equal numbers, exists for purposes which include the fixing of minimum rates of wages for workmen employed in agriculture, the Board may recognise and certify that committee as a district wages committee for the district.

3. Where in any district, after a date to be fixed by the Board, the Board are satisfied that no representative joint committee as aforesaid exists in the district, the Board may proceed to nominate a joint committee, constituted

as aforesaid, for the district and the committee so nominated shall be certified by the Board as the district wages committee for the district : Provided that the Board may require any committee so nominated to demit office if at any time they are satisfied that a representative joint committee exists in the district in terms of the immediately preceding paragraph.

4. The Board shall, for the purpose of constituting a central agricultural wages committee for Scotland (hereinafter referred to as "the central committee"), combine districts so as to form five combination districts from each of which two representatives of district wages committees within the combination, one of whom shall represent employers and the other workmen, shall be elected by the district committees under a scheme prescribed by the Board. The Board shall appoint a chairman and a secretary for the central wages committee and may appoint two women as additional members thereof. The ten elected members, with the chairman and any additional members appointed by the Board, shall constitute the central committee.

5. Subject as hereinafter provided, a district wages committee shall, within its district, have the powers and duties conferred and imposed on the Agricultural Wages Board by or under this Act, except any of such powers and duties which the Board may by regulation reserve to and confer and impose on the central committee, and references in this Act to the Agricultural Wages Board shall be construed accordingly as references to district wages committees or the central committee, as the case may be.

6. Every decision of a district wages committee fixing a minimum rate of wages shall be reported to the central committee and to the Board, and if the central committee do not disallow the same within a period to be prescribed by the Board, the minimum rate so fixed shall be deemed to be the minimum rate fixed under this Act.

7. Where a district wages committee fail within a period to be prescribed by the Board to fix minimum rates of wages for time work within the district, the Board shall refer the question of fixing such rates to the central committee, and thereupon the powers and duties of the district wages committee to fix such rates shall, so far as required for the purposes of the reference, be transferred to the central committee, and any rate fixed under such a reference by the central committee after consultation with the district wages committee shall be deemed to be the minimum rate fixed under this Act.

8. Any other question within their jurisdiction under this Act on which a district wages committee fail to agree shall, if the representatives of the employers or the representatives

of the workmen on the committee so request in writing, be referred to the central committee by the district wages committee for decision, and any decision by the central committee on such a reference shall be reported to the Board and shall have the like effect and validity as if it were the decision of the district wages committee.

9. The Board may by regulation prescribe the tenure of office and procedure of a district wages committee, so far as certified for the purposes of this Act, and of the central committee and its chairman and officers, and make other necessary provision for the efficient conduct of their business including provision as to sub-committees and the authentication of any notice, finding, or other instrument issued by them respectively.

### THIRD SCHEDULE.

#### ADDITIONAL PROVISIONS FOR THE ENFORCEMENT OF PROPER S 18 (2)<sup>2</sup>(f). CULTIVATION OF LAND IN IRELAND.

1. It shall be the duty of every occupier of arable land to cultivate and maintain in cultivation a portion of the arable land held by him (in this Schedule referred to as the "holding"), not less in extent than the minimum tillage portion as prescribed by an order of the Department of Agriculture and Technical Instruction for Ireland made under this Schedule and applying to the holding for the time being: Provided that no occupier shall be required by virtue of any such order to cultivate more than one-half of the area of his holding.

2. The Department of Agriculture and Technical Instruction for Ireland (in this Schedule referred to as the "Department") may make orders for the purpose of prescribing the minimum tillage portion of holdings, and may make any such order so as to apply to all holdings throughout Ireland, or to all holdings in any area specified in the order, or to any class or classes of holdings specified in the order whether throughout Ireland or in any area so specified, subject in each case to any exceptions which may be made by or under the order, or so as to apply to any particular holding or holdings.

3. If in any year the occupier of a holding fails to cultivate the minimum tillage portion of the holding, the Department, after affording him an opportunity of being heard in such manner as may be prescribed by regulations under this Act,

shall ascertain how much of the minimum tillage portion he has failed without reasonable cause to cultivate, and subject to the provisions of the next following article of this Schedule shall specify in a certificate under their seal the acreage thereof and the amount which, in their opinion, ought to be paid by way of penalty in respect of such failure as aforesaid, not exceeding five pounds for each acre, of the acreage specified in the certificate and not exceeding a proportionate amount for any fraction of an acre so specified.

Upon the making of the certificate the occupier shall become liable to pay to the Department on demand the amount specified therein as aforesaid, and the certificate shall be conclusive evidence of such liability.

Where there has been a change of occupiers during the year, the amount shall be payable by the person who was occupier at the end of the year.

4. The Department before making any such certificate shall send a draft thereof to the occupier, and if the occupier within the prescribed time and in the prescribed manner serves a notice of objection to the draft certificate, any questions raised by the notice as to the making of the certificate or as to the particulars specified in the draft, shall be referred to a tribunal designated or constituted by or in accordance with regulations under this Act, and provision shall be made by those regulations for the hearing and determination by the tribunal of the questions so referred to them with power to postpone or stay the making of a certificate or to vary the draft certificate in such manner as seems proper, and generally for regulating the procedure on any such objection.

The certificate shall not be made whilst any objection to the draft certificate is pending before the tribunal, and effect shall be given by the Department to any rulings of the tribunal, and, where the draft certificate is varied by the tribunal, the certificate if made by the Department shall be made in accordance with the draft as so varied and not otherwise.

5. Any sum payable to the Department under this Schedule shall, irrespective of the amount, be recoverable by the Department by ordinary civil bill before the county court judge of any county in which the holding or any part thereof is situated, and the decision of the county court judge shall be final.

Any such sum, when received or recovered by the Department, shall be applied by them for the purposes of agriculture and other rural industries within or in connection with the county or counties in which the holding is situated.

6. The powers of the Department under this Schedule shall be in addition to and not in substitution for their other powers for the enforcement of proper cultivation under this Act and all such powers may be exercised concurrently.

7. No penalty by way of increase of rent or otherwise shall be incurred by any tenant under any contract of tenancy in respect of any acts of cultivation which may be necessary in order to comply with the requirements of this Schedule.

8. For the purpose of this Schedule, except where the context otherwise requires—

(a) the expression “cultivation” means tillage, and the expression “cultivate” has a corresponding meaning : Provided that land used for grazing, meadow, or pasture in any year shall be deemed to be cultivated in that year if it was tilled in either of the two years last preceding that year ;

(b) the expression “prescribed” means prescribed by regulations under this Act ; and

(c) the expression “arable” means capable of being tilled.

## LANDLORD AND TENANT— AGRICULTURAL HOLDINGS ACT, 1908

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### SECOND SCHEDULE.

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#### RULES AS TO ARBITRATION.

##### APPOINTMENT OF ARBITRATOR.

- |                            |                                                                                                                                                                                                                                    |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Appointment of Arbitrator. | 1. A person agreed upon between the parties, or in default of agreement nominated by the Board on the application in writing of either of the parties, shall be appointed arbitrator.                                              |
| Death of Arbitrator.       | 2. If a person appointed arbitrator dies, or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, a new arbitrator may be appointed as if no arbitrator had been appointed. |
| Appointment irrevocable.   | 3. Neither party shall have power to revoke the appointment of the arbitrator without the consent of the other party.                                                                                                              |
| Writing necessary.         | 4. Every appointment, notice, revocation, and consent under this part of these rules must be in writing.                                                                                                                           |

##### TIME FOR AWARD.

- |                 |                                                                                                                                                                                                              |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Time for award. | 5. The arbitrator shall make and sign his award within twenty-eight days of his appointment or within such longer period as the Board may (whether the time for making the award has expired or not) direct. |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

##### REMOVAL OF ARBITRATOR.

- |                           |                                                                                  |
|---------------------------|----------------------------------------------------------------------------------|
| Misconduct of Arbitrator. | 6. Where an arbitrator has misconducted himself the county court may remove him. |
|---------------------------|----------------------------------------------------------------------------------|

## EVIDENCE.

7. The parties to the arbitration, and all persons claiming through them respectively, shall, subject to any legal objection, submit to be examined by the arbitrator, on oath or affirmation, in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrator all samples, books, deeds, papers, accounts, writings, and documents, within their possession or power respectively, which may be required or called for, and do all other things which during the proceedings the arbitrator may require. Evidence on oath or affirmation.

8. The arbitrator shall have power to administer oaths, and to take the affirmation of parties and witnesses appearing, and witnesses shall, if the arbitrator thinks fit, be examined on oath or affirmation. Power to administer oaths.

## STATEMENT OF CASE.

9. The arbitrator may at any stage of the proceedings, and shall if so directed by the judge of the county court (which direction may be given on the application of either party), state in the form on a special case for the opinion of that court any question of law arising in the course of the arbitration. Question of law.

## AWARD.

10. The arbitrator shall, on the application of either party, specify the amount awarded in respect of any particular improvement or any particular matter the subject of the award, and the award shall fix a day not sooner than one month or later than two months after the delivery of the award for the payment of the money awarded as compensation, costs, or otherwise, and shall be in such form as may be prescribed by the Board. Particulars in award.

11. The award to be made by the arbitrator shall be final and binding on the parties and the persons claiming under them respectively. Award final.

12. The arbitrator may correct in an award any clerical mistake or error arising from any accidental slip or omission. Corrections in award

13. When an arbitrator has misconducted himself, or an arbitration or award has been improperly procured, the county court may set the award aside. Setting award aside.

## Costs.

Costs in  
discretion of  
arbitrator.

14. The costs of and incidental to the arbitration and award shall be in the discretion of the arbitrator, who may direct to and by whom and in what manner these costs or any part thereof are to be paid, and the costs shall be subject to taxation by the registrar of the county court on the application of either party, but that taxation shall be subject to review by the judge of the county court.

Matters to be  
considered in  
awarding  
costs

15. The arbitrator shall, in awarding costs, take into consideration the reasonableness or unreasonableness of the claim of either party, either in respect of amount or otherwise, and any unreasonable demand for particulars or refusal to supply particulars, and generally all the circumstances of the case, and may disallow the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily.

## FORMS.

16. Any forms for proceedings in arbitrations under this Act which may be prescribed by the Board shall, if used, be sufficient.

## CORN PRODUCTION ACT, 1917.

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### MEMORANDUM EXPLAINING THE PRINCIPAL PROVISIONS OF THE CORN PRODUCTION ACT, 1917, AS REGARDS AGRICULTURAL WAGES IN ENGLAND AND WALES.

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This Memorandum is intended for the information of persons engaged in Agriculture who are affected by the provisions of the Corn Production Act relating to minimum rates of wages. It gives a general idea of the main provisions of the Act in this respect, but it must not be regarded as a full and authoritative interpretation of the measure. The Act itself should be consulted in the case of any dispute or uncertainty.

The main provisions of the Act relating to minimum rates of wages in England and Wales are set out in Part II. (Sections 4, 5, 6 and 7), and the First Schedule to the Act. Certain definitions and additional provisions are contained in Part V. (Sections 12, 14, 16 and 17). Special provisions as to minimum rates of wages in Scotland and Ireland are contained in Section 18 and in the Second and Third Schedules to the Act.

#### AGRICULTURAL WAGES BOARD.

1. The Act provides for the establishment by the Board of Agriculture and Fisheries, after consultation with the Minister of Labour, of an Agricultural Wages Board for England and Wales. The main object for which the Wages Board is established is the fixing of minimum rates of wages for "workmen" employed in Agriculture, that is to say, rates of wages which, in the opinion of the Wages Board, are the lowest which ought to be paid to "workmen" in the district for which the rates are fixed. The term "workmen" includes boys, women, and girls and employment in Agriculture includes work not only on farms, but also on osier land, woodland, orchards, market gardens and nursery grounds.

2. The minimum rates when fixed will be legally payable as explained below.

## CONSTITUTION OF THE WAGES BOARD.

3. The Wages Board will consist of three classes of persons : (a) "appointed members," that is to say, persons directly appointed by the Board of Agriculture and Fisheries who are not necessarily engaged in Agriculture but are expected to form an impartial judgment as between employers' and workers' interests ; (b) members representing employers ; and (c) members representing workers.

4. Women are eligible as members of the Wages Board as well as men.

5. The numbers of appointed and of representative members of the Wages Board will be fixed by Regulations made by the Board of Agriculture and Fisheries, and those Regulations will also settle the methods of choosing members to represent employers and members to represent workers respectively. The Chairman and Secretary of the Wages Board will be appointed by the Board of Agriculture and Fisheries.

6. *The members representing employers and the members representing workers must be equal in number.* The appointed members must not be greater in number than one quarter of the total number of members of the Wages Board.

## MINIMUM RATES OF WAGES.

7. It will be the duty of the Wages Board to fix *minimum rates of wages for time-work* for all classes of workers, and they may, if they think it necessary or expedient, also fix *minimum rates of wages for piece-work*. These rates, whether for time-work or for piece-work, may be fixed so as to apply universally to workers employed in agriculture, or they may be different for different districts, or for different classes of workers, or for different kinds and conditions of employment. In the case of *able-bodied men*, the minimum rates fixed for *time-work* must be such as will secure wages which, in the opinion of the Wages Board, are equivalent to payment for an ordinary day's work at a rate of *at least 25s. a week*. This provision does not apply in the case of boys, women and girls. In computing the wages, the value of such customary allowances as are not prohibited by law may be included in so far as the Wages Board may authorise and on a basis of value to be fixed by the Wages Board. Deductions from cash wages in respect of an allowance of intoxicating drink are illegal under the Truck Acts.

8. In fixing minimum rates, whether for time-work or for piece-work, the Wages Board are required by the Act to secure, so far as practicable, for able-bodied men such wages as are in the opinion of the Wages Board adequate to promote efficiency and to enable a man in an ordinary case to maintain himself and his family in accordance with such standard of comfort as may be reasonable in relation to the nature of his occupation.

9. *Any minimum rates fixed under the Act will be without prejudice to the payment, under any agreement entered into or custom existing before the passing of the Act, of rates higher than the minimum rates.*

10. The term "able-bodied" means any male workman who is not incapable by reason of age, or mental or other infirmity, or physical injury, of performing the work of a normally efficient workman.

#### PRECEDURE IN FIXING MINIMUM RATES.

11. Before fixing any minimum rate of wages the Wages Board must give notice of the rate which they propose to fix, and must consider any objections which may be lodged with them within one month; and when a rate has been fixed, notice of such rate must be given by the Wages Board for the information of the employers and workers affected.

2. The Wages Board may, if they think it expedient, after due notice, cancel or vary any minimum rate fixed by them, and must reconsider any rate if directed to do so by the Board of Agriculture and Fisheries.

#### ENFORCEMENT OF MINIMUM RATES OF WAGES.

13. When a minimum rate of wages has been fixed, any agreement for the payment or acceptance of wages at less than the minimum rate is void, and payment of wages at less than the minimum rate renders the employer liable to a fine of not more than £20, and to a fine not exceeding £1 for each day on which the offence is continued after conviction therefor, unless he proves that he did not know and could not with reasonable diligence have ascertained that the wages paid were at a rate less than the minimum rate.

14. In cases, however, where the Wages Board are satisfied that a worker on time-work is affected by any mental or other infirmity or physical injury which renders him

incapable of earning the minimum time-rate applicable, they may grant the worker a *Permit of Exemption*: and so long as any conditions prescribed by the Wages Board on the grant of the Permit are complied with, the employer is not liable to penalty for paying the worker wages at less than the minimum rate.

15. Where legal proceedings are taken against an employer for the payment of a worker at less than the minimum rate, the Court may, whether they convict the employer or not, require him to pay to the worker any arrears of wages which may appear to the Court to be due to the worker by reason of his having been paid at less than the minimum rate.

16. Any worker may complain, or may authorise another person to complain, to the Wages Board that he is being paid wages at less than the minimum rate fixed by the Wages Board, and the Wages Board may, if they think fit, take proceedings on behalf of the worker, either for the recovery of the arrears of wages due to the worker or by way of prosecution of the employer.

17. Moreover, a worker may take proceedings on his own behalf for the recovery as a civil debt of any arrears of wages which may be due to him in respect of his payment at less than the minimum rate.

18. Where a worker is employed on piece-work and a minimum time-rate, but no minimum piece-rate, has been fixed by the Wages Board for the work on which he is employed, the worker may complain, or may authorise another person on his behalf to complain to the Wages Board that the piece-rate paid to him is so low that the earnings of an ordinary workman paid at such rate would be less than he would have earned for the same work at the minimum time-rate applicable to the case, and the Wages Board in that case may direct the employer to pay the difference. The worker may recover from the employer summarily as a civil debt any sum which the Wages Board so direct to be paid.

19. *Officers* may be appointed by the Board of Agriculture and Fisheries for the purpose of investigating complaints and otherwise securing the proper observance of the provisions of the Act relating to minimum rates of wages.

20. These Officers have power to require the production of wages sheets and other relevant information.

21. Persons who refuse to produce documents or give information which the Officers have power to require, or knowingly furnish the Officers with false wages sheets or

other false information, are liable, on conviction, to a fine not exceeding £20, or to imprisonment for not more than three months with or without hard labour. The Officers have power, in pursuance of directions of the Board of Agriculture and Fisheries, to take legal proceedings for the enforcement of the Act.

#### DISTRICT WAGES COMMITTEES.

22. The Wages Board may, and if required by the Board of Agriculture and Fisheries must establish District Wages Committees to act for such areas as the Wages Board may determine. Any District Wages Committees established will consist of representatives of employers and of workers and also of such persons as the Board of Agriculture and Fisheries may appoint. Their composition is settled by Regulations made by the Board of Agriculture and Fisheries. There will be equal representation, on a District Committee, of local employers and local workers, and at least one member of the Wages Board or other person nominated by the Board of Agriculture and Fisheries will act on each District Committee.

23. It is the duty of District Wages Committees to recommend to the Wages Board minimum rates of wages applicable to their districts. Minimum rates of wages can only be fixed, varied or cancelled by the Wages Board itself, but no minimum rate fixed to apply to an area for which a District Wages Committee has been established, and no variation or cancellation of such rate, can have effect in that area unless the District Wages Committee has either recommended the rate or its variation or cancellation, or has had an opportunity of reporting thereon to the Wages Board.

24. The Wages Board may refer any matter to a District Committee for report and recommendation, and may also delegate to a District Committee any of their powers and duties (other than their power and duty to fix minimum rates of wages). They may also authorise a District Wages Committee to delegate any such powers to a sub-committee. Among the powers which may be so delegated is that of issuing Permits of Exemption to non-able-bodied workmen.

#### EXPENSES AND REMUNERATION OF MEMBERS.

25. Expenses incurred with the consent of the Board of Agriculture and Fisheries by members of the Wages Board or a District Committee and sums paid with such consent to members by way of compensation for loss of time, will be paid out of public funds.

## PROVISIONS OF THE ACT NOW IN FORCE.

26. Some time must necessarily elapse before the Wages Board and District Committees are set up and the above provisions come into operation. In the meantime an *able-bodied man employed on time-work* (but no other class of worker to whom Part II. of the Act applies) who since the commencement of the Act, viz., the 21st August, 1917, has received payment of wages (including allowances) at a rate which, in the opinion of the Court, is less than the equivalent for an ordinary day's work of 25s. a week, will be entitled to recover the difference from his employer as a civil debt, at any time within three months after the minimum is fixed. The value of allowances in such cases will, in case of dispute, be determined by the Court.

It is advisable, therefore, that employers should at once arrange to pay all able-bodied men employed in Agriculture on time-work, wages for an ordinary day's work equivalent to at least 25s. per week, and should provisionally agree with such workers as to the customary or reasonable value of any allowances which are reckoned as part payment of wages. It is illegal under the Truck Acts to reckon beer or cider or other intoxicants as allowances in part payment of wages.

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Copies of the Act (price 3d., or by post 4d.) and of any Regulations made under it may be purchased either direct or through any bookseller from H.M. Stationery Office, Imperial House, Kingsway, London, W.C.2.

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BOARD OF AGRICULTURE AND FISHERIES,  
September, 1917.

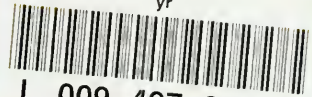


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